

**BILL NO. G-97-06-07 (As Amended) (as amended)(as amended)(as amended)(as amended)**  
**GENERAL ORDINANCE NO 6-09-97**

**AN ORDINANCE CREATING CHAPTER 101 TO BE INCLUDED  
IN TITLE IX: GENERAL REGULATIONS OF THE  
CITY OF FORT WAYNE CODE OF ORDINANCES**

**WHEREAS**, the Common Council of the City of Fort Wayne is attempting to encourage homeowners, business owners, and installers of alarm systems to practice preventive maintenance and to undertake corrections with alarm systems in order to avoid false alarms; and

**WHEREAS**, there is a significant cost to taxpayers in the form of police and fire department responses to multiple false alarms throughout the course of a given year; and

**WHEREAS**, it is necessary for the City to attempt to reduce the number of false alarms and to defray the costs associated with responding to false alarms; and

**WHEREAS**, it is appropriate that costs attributable to the use of alarm systems including false alarm response costs should be borne by the users and installers of such systems.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

Section 1. That Title IX: General Regulations of the City of Fort Wayne Code of Ordinance shall be amended to add a new Chapter which shall be designated Chapter 101 and titled "Private Emergency Alarm Systems."

Section 2. That the following is adopted as Chapter 101 - Private Emergency Alarm Systems under Title IX of the General Regulations of the Code of Ordinances.

**CHAPTER 101 PRIVATE EMERGENCY ALARM SYSTEMS**

**Section**

- 101.01 Definitions
- 101.02 Registration/Licenses
- 101.03 Installation of Alarm Systems
- 101.04 Issuance of Alarm System Permit
- 101.05 Automatic Telephone Dial Devises Prohibited
- 101.06 Audible Alarm
- 101.07 Validity of Alarms
- 101.08 False Alarm penalties and Enforcement
- 101.09 Effective Date

**§ 101.01 DEFINITIONS**

1 A. Alarm Agent. The term "Alarm Agent" means any person who is employed  
2 by an "Alarm Company" either directly or indirectly, whose duties include  
3 selling, maintaining, leasing, servicing, repairing, altering, replacing, moving,  
4 monitoring or installing on or in any building, structure, facility or grounds  
5 any "Alarm System."

6 B. Alarm System. The term "Alarm System" means an assembly of equipment  
7 and devices arranged to signal the presence of a hazard requiring attention  
8 and to which police or fire department personnel are expected to respond.  
9 Alarm Systems include those through which public safety personnel are  
10 notified directly of such signals through automatic recording devices or are  
11 notified indirectly by way of third persons who monitor the Alarm Systems  
12 and who report such signals to the Communications Department. Alarm  
13 Systems also include those designed to register a signal which is audible,  
14 visible or in other ways perceptible outside a protected building, structure or  
15 facility as to notify persons in the neighborhood beyond the zoning lot where  
16 the signal is located who in turn may notify the appropriate emergency  
17 provider of the signal. Alarm Systems do not include auxiliary devices  
18 installed by telephone companies to protect telephone equipment or systems  
19 which might be damaged or disrupted by the use of an Alarm System. The  
20 term "Alarm System" shall include the terms "Automatic" or "Manual Hold  
21 Up Alarm System," "Burglar Alarm Systems," "Security Alarm Systems,"  
22 and "Automatic" or "Manual Fire Alarm Systems."

23 This definition does not include audible alarms fixed to automobiles or other  
24 vehicles; or smoke detectors for Dwellings which are not connected to a  
25 monitoring agency.

26 C. Alarm Company means any person or entity whether an individual,  
27 partnership, corporation, or other entity selling, leasing, maintaining,  
28 servicing, repairing, altering, replacing, removing, monitoring or installing  
29 any Alarm System or causing to be sold, leased, maintained, serviced,  
30 repaired, altered, replaced, removed, or installed any Alarm System in or any  
building, structure or facility.

D. Alarm User means any person, firm, partnership, association, corporation,  
company, or other entity or organization of any kind having ownership or  
control (as a tenant, owner or otherwise) of any Dwelling or Commercial  
Building, structure, or facility where an Alarm System is maintained or  
activated.

E. Audible Alarm. A device designed for the detection of a condition that  
would result in a public safety response on the premises, which generates an  
audible sound on the premises when it is activated.

F. Controller. "Controller" shall mean the Controller of the City of Fort Wayne



whose address for the purposes of this Chapter shall be Civil City Accounting Room 420, One East Main Street, Fort Wayne, IN 46802 and whose phone number for the purposes of obtaining information concerning this Chapter shall be (219) 427-1104.

- G. Automatic Telephone Dialing Device. A device which is interconnected to an alarm system which automatically sends a pre-recorded message or coded signal to a law enforcement agency indicating the activation of the alarm system or a device which is interconnected to telephone lines and is programmed to select a pre-determined number and transmit by voice message or code signal and emergency message indicating a need for emergency response.
- H. Dwelling. A building or portion therefore used primarily as a place of abode for one or more human beings, but not including hotels, lodging or boarding houses or tourist homes.
- I. Dwelling - One Family. A building used for occupancy by one family.
- J. Dwelling - Two Family. A building used for occupancy by two families living independently of each other.
- K. Dwelling - Three Family. A building used for occupancy by three families living independently of each other.
- L. Dwelling Unit. A Dwelling or a portion of a Dwelling or of an apartment or hotel used by one family for cooking, living, and sleeping purposes.
- M. Dwelling - Multi-Family. A building or portion thereof used for occupancy by four or more families living independently of each other.
- N. Commercial Building. A commercial building is any building or portion thereof which is not a One, Two, Three, or Multi-Family Dwelling.
- O. False Alarm. The term "False Alarm" means the activation of an Alarm System through mechanical failure, malfunction, improper installation, or as a result of the negligence, misuse or misconduct of an Alarm User or Alarm Company of an Alarm System or of the agents, employees or representatives of an Alarm User or Alarm Company. This does not include alarms caused by severe weather, natural or man-made disaster, power or telephone service outages, authorized Alarm testing, for which prior notification to the Communications Center has been made or malicious acts of person or persons not under the direct control of the owner, lessee, or his employees or agents.

1 P. License. The term "License" means an authorization of the City of Fort  
2 Wayne to allow an Alarm Company to install or maintain an Alarm System  
3 within the City of Fort Wayne which is commercially monitored or which is  
4 electronically connected to the Communications Center of the City of Fort  
Wayne or an Alarm System which when activated would result in a Police or  
Fire Department response.

5 Q. Local Alarm System. Means a signal system which when activated causes an  
6 audible and/or visible signaling device to be activated only in or on the  
premises in which the Alarm System is installed, operated or maintained.

7 R. Monitored Alarm System. Means an Alarm System using a digital alarm  
8 communication system or supervised dedicated circuits transmit alarm,  
9 supervisory and trouble signals from one or more protected premises to a  
remote location at which appropriate action is taken.

10 § 101.02 **REGISTRATION/LICENSES**

11 A. Alarm User's Registration. All Alarm Users, within thirty (30) days of the  
12 installation of an Alarm System for all Multi-Family Dwellings and  
13 Commercial Buildings where Alarm Systems are installed shall register with  
14 the Controller any such Alarm System according to the provisions set out  
herein. Said initial registration shall be completed as more specifically set  
out in Section 3 herein. (101.02A3)

15 1. The Registration shall be on a form prescribed by the Controller and shall  
16 include the following information:

17 a. Name, telephone number, and address of the Alarm User,  
18 including the name of an individual with authority to bind the  
19 Alarm User and who has information pertinent to the Alarm  
20 System.

21 b. Address and telephone number at which the Alarm System is  
22 located, including the name of an individual with authority to  
23 bind the Alarm User and who has information pertinent to the  
Alarm System.

24 c. Alarm Systems service (Police, Fire, other).

25 d. Alarm System type (commercial monitoring, audible, silent,  
26 direct connection, other).



- 1 e. Names, addresses and telephone numbers of at least two (2)  
2 people who shall be contacted and who shall respond in the  
3 event of an alarm activation.  
4 f. The name, address and telephone number of the Alarm  
5 Company.  
6 g. Any other additional information requested on registration  
7 forms provided by the Controller.

- 8 2. Registrations by Alarm Users must be completed for each individual  
9 structure where an Alarm System is in operation in a Multi-Family  
10 Dwelling, or a Commercial Building. Registration shall be completed by  
11 Alarm Users for each individual business within a single structure where  
12 an Alarm System is installed and in operation.  
13 3. There shall be no registration fee for Alarm Users otherwise required to  
14 register an Alarm System except as noted herein. Upon the occurrence  
15 of a third false alarm for a particular Alarm System within the same  
16 calendar year, the Alarm User will be required to pay a Fifty Dollar  
17 (\$50.00) registration fee to the Controller' Office. This registration fee  
18 shall be in addition to the penalty for failure to register as designated in  
19 101.02A(7) of this Ordinance.  
20 4. The Controller shall send a copy of the registration form to the Ordinance  
21 Violations Bureau and the Director of Communications, for the City of  
22 Fort Wayne (hereinafter "Director of Communications").  
23 5. It is a violation of this Ordinance for any Alarm User who is otherwise  
24 required to register an Alarm System, to knowingly maintain or use an  
25 Alarm System without completing and submitting the registration form  
26 and the registration fee as required in this Ordinance.  
27 6. An Alarm User is required to notify the Controller of a change of  
28 registration information within thirty (30) days of the time when the  
29 change of information has occurred.  
30

- 1                   7. **Penalty for violation of this section:** An Alarm User or other person or  
2                   entity violating any provision of this Section (Section 101.02A) shall be  
3                   subject to a fine of not less than \$50.00 nor more than the maximum fine  
4                   allowed by law. If said violation is failure to register pursuant to this  
5                   Section, then said violator shall be fined for each twelve (12) month  
6                   period in which they fail to register unless registration is completed  
7                   within ten (10) days after receiving notification of the failure to register  
8                   by the Controller, provided that prior notification has not been given.  
9  
10                  8. Registration completed pursuant to this article shall be personal to the  
11                  Alarm User who completes registration for a specific location and is not  
12                  transferable.  
13  
14                  9. Any fees collected as a result of registration or licensing or as a result of  
15                  penalties for violation of this Section (Section 101.02A) shall be  
16                  deposited into the General Fund of the City of Fort Wayne.

17                  B.     Alarm Company - Licenses

- 18                  1. All Alarm Companies shall obtain from the Controller a License which  
19                  authorizes the Alarm Company to install Alarm Systems.  
20  
21                  2. The initial registration fee for a License shall be Two Hundred Fifty and  
22                  No/100 Dollars (\$250.00) and shall be valid for one year. There shall be  
23                  an annual renewal fee for the License of One Hundred and No/100  
24                  Dollars (\$100.00). The annual Renewal Date and the date upon which  
25                  the annual Renewal Fee is due shall be July 1 of each year regardless of  
26                  when the Alarm Company originally registered. By June 1, the  
27                  Controller's Office shall send a letter to all Alarm Companies notifying  
28                  them that the Renewal Fee is due. The original license fee and renewal  
29                  license fee being charged shall be used in part to help defray expenses for  
30                  mailings, notices, registrations forms and other costs associated with the  
                    administration of the licensing. Payment of all License fees and renewals  
                    shall be submitted to the Controller be made payable to the City of Fort  
                    Wayne and be deposited into the General Fund of the City of Fort Wayne.  
                    3. Application for License. All applications for a License required by this  
                    Article shall be made on forms designated by the Controller and shall  
                    include the following information:  
                    a.           The full name and address of the Alarm Company.  
                    b.           The full name, business address and home address of the  
                                    manager or person to be contacted at the Alarm Company.



1 c. A telephone number at which the Fort Wayne Police  
2 Department or Fort Wayne Fire Department or Allen County  
3 Sheriff's Department can notify personnel of the Alarm  
4 Company of a need for assistance at any time.

5 d. The names and addresses of all Alarm Agents employed by  
6 the Alarm Company.

7 An Alarm Company shall promptly notify the Controller in writing of any  
8 change in the information contained in the registration form.

9 4. It is a violation of this ordinance for any Alarm Company who is  
10 otherwise required to obtain a License, to knowingly install an Alarm  
11 System without obtaining such a License.

12 5. Penalty for violation of this section: An Alarm Company or other person  
13 or entity violating this section (101.02B) shall be guilty of an infraction  
14 and subject to a minimum fine of \$200.00 for each offense and up to the  
15 maximum fine allowed by law.

16 6. An Alarm Company's License shall be personal to the company holding  
17 the license and is not transferable.

18 §101.03

19 **ISSUANCE OF PERMITS/LICENSES**

20 A. The Controller shall issue to an Alarm User who duly submits a  
21 registration form a permit or other document evidencing that registration  
22 has been completed. The Controller shall further issue to an Alarm  
23 Company a license upon the submission of an application and the  
24 appropriate fee in accordance with this Chapter. Upon the payment of the  
25 annual renewal fee for renewal of a license the Controller shall further  
26 issue a renewal license or other document evidencing that the annual  
27 license fee has been duly and timely paid by the Alarm Company. The  
28 Controller shall be entitled to withhold the issuance of a permit to an  
29 Alarm User or a license to an Alarm Company if the Controller finds or  
30 believes that any statement made in a registration or an application is  
incomplete or false.

B. Immediately after receipt of a registration form duly completed from an  
Alarm User or an application for license duly completed from an Alarm  
Company and payment of any fee required, and upon the receipt of  
renewal fees (when required) and notices of change of information  
regarding registration or licenses, the Controller shall forward the  
registration or application to the Director of Communications for the City  
of Fort Wayne and the Ordinance Violations Bureau. All information on  
such registration or application shall be protected as confidential

information; provided, however, nothing in this Chapter shall prohibit the use of such information for legitimate law enforcement purposes and for enforcement of this Chapter.

§101.04

#### **AUTOMATIC TELEPHONE DIAL DEVICES PROHIBITED**

- A. It shall be unlawful for any Alarm Company or other person or entity to sell, offer for sale, install, maintain, lease, operate or assist in the operation of an Alarm System containing an Automatic Telephone Dialing Device over any telephone lines exclusively used by the public directly to request emergency service from the Fort Wayne Police Department, the Fort Wayne Fire Department, or the Communications Department of the City of Fort Wayne.
- B. The Fort Wayne Police Chief, the Fort Wayne Fire Chief or the Chief of Communications, or their respective designees, upon receiving knowledge of an Alarm System containing an Automatic Telephone Dialing System installed or operated in violation of this Section (101.04) shall order in writing the owner, operator or lessee to disconnect and cease operation of such Alarm System within seventy-two (72) hours of receipt of the order.
- C. Any Alarm System containing an Automatic Telephone Dialing Device installed prior to the effective date of this ordinance shall be removed within thirty (30) days of the effective date of this Ordinance.
- D. **Penalty for violation of this ordinance:** Any Alarm User, Alarm Company or other person or entity violating this section shall be guilty of an infraction and subject to a minimum fine of \$200.00 for each offense and up to the maximum fine allowed by law. Said fine or penalty when collected shall be deposited into the general fund of the City of Fort Wayne.
- E. Notwithstanding the foregoing, nothing in this section is intended to prohibit the direct connection between the local banking institutions and the Fort Wayne Communications Department up to and including July 31, 1998, however, after July 31, 1998, the City of Fort Wayne will no longer monitor Alarm Systems for banking institutions and therefore Automatic Telephone Dialing Devices or any device being used by banking institutions to connect directly to the Fort Wayne Communications Department or any City of Fort Wayne Department shall be prohibited.



**AUDIBLE ALARM**

- A. All Alarm Users, Alarm Companies or other persons or entities who install or maintain any Alarm System with an audible alarm (except such system on a vehicle) shall conspicuously affix on the exterior of the protected building or structures:
  1. The name and telephone number of the Alarm User or such other person or entity responsible for the control of the premises if it is a Local Alarm System, or
  2. The name and phone number of the Alarm Company if it is a monitored Alarm System.
- B. All Alarm Users, Alarm Companies or any other persons or entities who install or maintain any Alarm System with an Audible Alarm shall install and/or maintain said Alarm System in such a way that it automatically discontinues emitting an audible sound within fifteen (15) minutes after activation of the alarm and which will prevent the alarm from sounding again as a result of the same event that caused the original activation.
- C. When Manual Fire Alarm Signaling Devices are installed and are not directly connected to the Fort Wayne Fire Department or monitored by a 24 hour security service, a permanent sign shall be installed at each actuating device. These signs shall read as follows:

IN CASE OF FIRE

1. Pull this alarm
2. Telephone the Fire Department 9-1-1

- D. **Penalty for violation of this section:** All Alarm Users, Alarm Companies or other persons or entities violating this Section (101.05) shall be subject to a fine of \$50.00 for each action or omission which constitutes a violation of this Section. Said fine or penalty when collected shall be deposited into the general fund of the City of Fort Wayne.

**VALIDITY OF ALARMS**

- A. Whenever an Alarm System is activated in the City of Fort Wayne which results in a response to the premises by the Police or Fire Department, the officer on the scene of the activated Alarm System shall inspect the area protected by the Alarm System and shall determine whether a public safety response was required or if it was a False Alarm.

- 1 B. If the Officer at the scene of the activated Alarm System determines the  
2 alarm to be false, the officer shall make a report of the False Alarm,  
3 notice of which shall be sent to the Alarm User at the address of the  
4 Alarm User, or at least the last known address of the Alarm User, if  
5 different from the premises address, or to the address and the attention of  
6 the person or entity designated by the Alarm User as its agent for  
7 notification. A copy of the report shall be sent to the Ordinance  
8 Violations Bureau who shall track the number of False Alarms.
- 9 C. The Police Chief or the Fire Chief of the City of Fort Wayne, or his  
10 designee, shall have the right to inspect the premises to which a response  
11 has been made and may cause such inspection to be made at any  
12 reasonable time after the occurrence of a False Alarm.

13 101.07

14 **FALSE ALARM PENALTIES AND ENFORCEMENT**

- 15 A. Whenever an Alarm User issues, causes to be issued, or permits the  
16 issuance of a False Alarm, this Section (101.07) shall apply; provided,  
17 however, this section shall not apply to a mentally incapacitated person  
18 utilizing Alarm Systems in a Dwelling or Dwelling Unit.
- 19 B. An Alarm User shall be assessed a \$50.00 penalty for each False Alarm  
20 recorded within any calendar year by the Ordinance Violations Bureau  
21 after the occurrence of the second (2nd) False Alarm requiring Police  
22 Department response. Said Fifty Dollar (\$50.00) penalty shall be paid by  
23 the Alarm User to the City of Fort Wayne Ordinance Violation Bureau  
24 who shall deposit the funds in the General Fund of the Fort Wayne Police  
25 Department.
- 26 C. An Alarm User shall be assessed a Fifty Dollars (\$50.00) penalty for  
27 each False Alarm recorded within any calendar year by the Ordinance  
28 Violations Bureau after the occurrence of the second (2nd) False Alarm  
29 requiring City of Fort Wayne Fire Department response. Said Fifty  
30 Dollars (\$50.00) penalty shall be paid by the Alarm User to the City of  
Fort Wayne Ordinance Violation Bureau who shall deposit the funds in  
the General Fund of the Fort Wayne Fire Department.
- D. Any Alarm User required to register and who fails to register or otherwise  
comply with Section 101.02 of this Ordinance and who causes to be  
issued, or permits the issuance of a False Alarm shall be assessed a  
\$50.00 penalty for each False Alarm recorded by the Ordinance  
Violations Bureau. If said fine is not paid within thirty (30) days of its  
due date, then in addition to said penalty there will be a late fee of \$25.00.  
Any penalties and any late fees due under this Section 101.07 shall be  
paid by the Alarm User to the City of Fort Wayne Ordinance Violations  
Bureau who shall deposit the funds in the General Fund of the Fort



Wayne Police Department or the Fort Wayne Fire Department depending on which department responded to the False Alarm.

E. Enforcing Authority. The authority for enforcing this Chapter shall be with the Fort Wayne Police Department, Fort Wayne Fire Department, the Controller and the Ordinance Violation Bureau.

F. Any Alarm Company, Alarm User, or any other individual or company affected by and subject to a fine under this Ordinance shall have the right to appeal the fines and penalties which right to appeal shall be governed by and handled in accordance with the procedures established by the Ordinance Violations Bureau.

§101.08

**EFFECTIVE DATE**

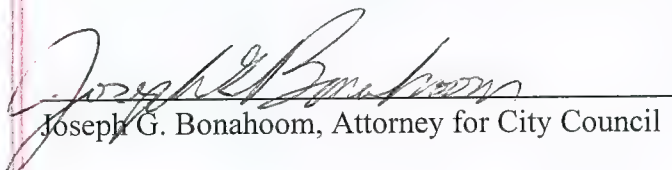
1. The effective date of this Ordinance shall be the later of November 1, 1997 or the date of its passage, any and all necessary approval by the Mayor of the City of Fort Wayne, and any publication or other notices required under Indiana law.
2. All Alarm Users required to register under this Chapter who have Alarm Systems installed on or before the effective date of this Ordinance, shall register pursuant to Section 101.02 of this Chapter not later than February 1, 1998 . All Alarm Users required to register under this Chapter and installing and activating Alarm Systems on or after the effective date of this Ordinance, shall be required to register pursuant to this Chapter within the time parameters specified herein.
3. All Alarm Companies required to obtain Licenses under this Chapter shall obtain said License on the later of November 1, 1997 or sixty (60) days after the effective date of this Ordinance to obtain its License.

Section 3. This Ordinance shall be in full force and effect on the later to occur of July 1, 1997, or the date of its passage and any and all necessary approval by the Mayor of the City of Fort Wayne, and any publication or other notices required under Indiana law.



Council Member

**APPROVED AS TO FORM AND LEGALITY**

  
Joseph G. Bonahoom, Attorney for City Council

**BILL NO. 97-06-09 (As Amended)** (As Amended)

**GENERAL ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE CREATING CHAPTER 101 TO BE INCLUDED  
IN TITLE IX: GENERAL REGULATIONS OF THE  
CITY OF FORT WAYNE CODE OF ORDINANCES**

**WHEREAS**, the Common Council of the City of Fort Wayne is attempting to encourage homeowners, business owners, and installers of alarm systems to practice preventive maintenance and to undertake corrections with alarm systems in order to avoid false alarms; and

**WHEREAS**, there is a significant cost to taxpayers in the form of police and fire department responses to multiple false alarms throughout the course of a given year; and

**WHEREAS**, it is necessary for the City to attempt to reduce the number of false alarms and to defray the costs associated with responding to false alarms; and

**WHEREAS**, it is appropriate that costs attributable to the use of alarm systems including false alarm response costs should be borne by the users and installers of such systems.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

Section 1. That Title IX: General Regulations of the City of Fort Wayne Code of Ordinance shall be amended to add a new Chapter which shall be designated Chapter 101 and titled "Private Emergency Alarm Systems."

Section 2. That the following is adopted as Chapter 101 - Private Emergency Alarm Systems under Title IX of the General Regulations of the Code of Ordinances.

**CHAPTER 101 PRIVATE EMERGENCY ALARM SYSTEMS**

**Section**

101.01	Definitions
101.02	Registration/Licenses
101.03	Installation of Alarm Systems
101.04	Issuance of Alarm System Permit
101.05	Automatic Telephone Dial Devices Prohibited
101.06	Audible Alarm
101.07	Validity of Alarms
101.08	False Alarm penalties and Enforcement
101.09	Effective Date



**DEFINITIONS**

1           A.    Alarm Agent. The term "Alarm Agent" means any person who is employed  
2                   by an "Alarm Company" either directly or indirectly, whose duties include  
3                   selling, maintaining, leasing, servicing, repairing, altering, replacing, moving,  
4                   monitoring or installing on or in any building, structure, facility or grounds  
5                   any "Alarm System."

6           B.    Alarm System. The term "Alarm System" means an assembly of equipment  
7                   and devices arranged to signal the presence of a hazard requiring attention and  
8                   to which police or fire department personnel are expected to respond. Alarm  
9                   Systems include those through which public safety personnel are notified  
10                  directly of such signals through automatic recording devices or are notified  
11                  indirectly by way of third persons who monitor the Alarm Systems and who  
12                  report such signals to the Communications Department. Alarm Systems also  
13                  include those designed to register a signal which is audible, visible or in other  
14                  ways perceptible outside a protected building, structure or facility as to notify  
15                  persons in the neighborhood beyond the zoning lot where the signal is located  
16                  who in turn may notify the appropriate emergency provider of the signal.  
17                  Alarm Systems do not include auxiliary devices installed by telephone  
18                  companies to protect telephone equipment or systems which might be  
19                  damaged or disrupted by the use of an Alarm System. The term "Alarm  
20                  System" shall include the terms "Automatic" or "Manual Hold Up Alarm  
21                  System," "Burglar Alarm Systems," "Security Alarm Systems," and  
22                  "Automatic" or "Manual Fire Alarm Systems."

23                         This definition does not include audible alarms fixed to automobiles or other  
24                         vehicles; or smoke detectors for Dwellings which are not connected to a  
25                         monitoring agency.

26           C.    Alarm Company means any person or entity whether an individual,  
27                   partnership, corporation, or other entity selling, leasing, maintaining,  
28                   servicing, repairing, altering, replacing, removing, monitoring or installing any  
29                   Alarm System or causing to be sold, leased, maintained, serviced, repaired,  
30                   altered, replaced, removed, or installed any Alarm System in or any building,  
31                   structure or facility.

32           D.    Alarm User means any person, firm, partnership, association, corporation,  
33                   company, or other entity or organization of any kind having ownership or  
34                   control (as a tenant, owner or otherwise) of any Dwelling or Commercial  
35                   Building, structure, or facility where an Alarm System is maintained or  
36                   activated.

37           E.    Audible Alarm. A device designed for the detection of a condition that would  
38                   result in a public safety response on the premises, which generates an audible  
39                   sound on the premises when it is activated.

- 1 F. Controller. "Controller" shall mean the Controller of the City of Fort Wayne  
2 whose address for the purposes of this Chapter shall be Civil City Accounting  
3 Room 420, One East Main Street, Fort Wayne, IN 46802 and whose phone  
4 number for the purposes of obtaining information concerning this Chapter  
5 shall be (219) 427-1104.
- 6 G. Automatic Telephone Dialing Device. A device which is interconnected to an  
7 alarm system which automatically sends a pre-recorded message or coded  
8 signal to a law enforcement agency indicating the activation of the alarm  
9 system or a device which is interconnected to telephone lines and is  
10 programmed to select a pre-determined number and transmit by voice  
11 message or code signal and emergency message indicating a need for  
12 emergency response.
- 13 H. Dwelling. A building or portion therefore used primarily as a place of abode  
14 for one or more human beings, but not including hotels, lodging or boarding  
15 houses or tourist homes.
- 16 I. Dwelling - One Family. A building used for occupancy by one family.
- 17 J. Dwelling - Two Family. A building used for occupancy by two families living  
18 independently of each other.
- 19 K. Dwelling - Three Family. A building used for occupancy by three families  
20 living independently of each other.
- 21 L. Dwelling Unit. A Dwelling or a portion of a Dwelling or of an apartment or  
22 hotel used by one family for cooking, living, and sleeping purposes.
- 23 M. Dwelling - Multi-Family. A building or portion thereof used for occupancy  
24 by four or more families living independently of each other.
- 25 N. Commercial Building. A commercial building is any building or portion  
26 thereof which is not a One, Two, Three, or Multi-Family Dwelling.
- 27 O. False Alarm. The term "False Alarm" means the activation of an Alarm  
28 System through mechanical failure, malfunction, improper installation, or as  
29 a result of the negligence, misuse or misconduct of an Alarm User or Alarm  
30 Company of an Alarm System or of the agents, employees or representatives  
of an Alarm User or Alarm Company. This does not include alarms caused  
by severe weather, natural or man-made disaster, power or telephone service  
outages, authorized Alarm testing, for which prior notification to the  
Communications Center has been made or malicious acts of person or persons  
not under the direct control of the owner, lessee, or his employees or agents.



1 P. License. The term "License" means an authorization of the City of Fort  
2 Wayne to allow an Alarm Company to install or maintain an Alarm System  
3 within the City of Fort Wayne which is commercially monitored or which is  
4 electronically connected to the Communications Center of the City of Fort  
5 Wayne or an Alarm System which when activated would result in a Police or  
6 Fire Department response.

7 Q. Local Alarm System. Means a signal system which when activated causes an  
8 audible and/or visible signaling device to be activated only in or on the  
9 premises in which the Alarm System is installed, operated or maintained.

10 R. Monitored Alarm System. Means an Alarm System using a digital alarm  
11 communication system or supervised dedicated circuits transmit alarm,  
12 supervisory and trouble signals from one or more protected premises to a  
13 remote location at which appropriate action is taken.

14 § 101.02 **REGISTRATION/LICENSES**

15 A. Alarm User's Registration. All Alarm Users, within thirty (30) days of the  
16 installation of an Alarm System for all Multi-Family Dwellings and  
17 Commercial Buildings where Alarm Systems are installed shall register with  
18 the Controller any such Alarm System according to the provisions set out  
19 herein. Said initial registration shall be completed as more specifically set  
20 out in Section 3 herein. (101.02A3)

21 1. The Registration shall be on a form prescribed by the Controller and shall  
22 include the following information:

23 a. Name, telephone number, and address of the Alarm User,  
24 including the name of an individual with authority to bind the  
25 Alarm User and who has information pertinent to the Alarm  
26 System.

27 b. Address and telephone number at which the Alarm System is  
28 located, including the name of an individual with authority to  
29 bind the Alarm User and who has information pertinent to the  
30 Alarm System.

c. Alarm Systems service (Police, Fire, other).

d. Alarm System type (commercial monitoring, audible, silent,  
direct connection, other).

- e. Names, addresses and telephone numbers of at least two (2) people who shall be contacted and who shall respond in the event of an alarm activation.
  - f. The name, address and telephone number of the Alarm Company.
  - g. Any other additional information requested on registration forms provided by the Controller.
2. Registrations by Alarm Users must be completed for each individual structure where an Alarm System is in operation in a Multi-Family Dwelling, or a Commercial Building. Registration shall be completed by Alarm Users for each individual business within a single structure where an Alarm System is installed and in operation.
  3. There shall be no registration fee for Alarm Users otherwise required to register an Alarm System except as noted herein. If an Alarm User fails to register as required herein, then, upon the occurrence of a third false alarm for a particular Alarm System within the same calendar year, the Alarm User will be required to pay a Fifty Dollar (\$50.00) registration fee to the Controller's Office. This registration fee shall be in addition to the penalty for failure to register as designated in 101.02A(7) of this Ordinance. Once an Alarm User has incurred a Fifty Dollar (\$50.00) registration fee for failure to register and for incurring a third false alarm in any calendar year, then in all subsequent years in which an Alarm User for a particular Alarm System has incurred three (3) or more false alarms, said Alarm User shall be required to pay a Fifty Dollar (\$50.00) registration fee in addition to any other fines or penalties required under this Ordinance.
  4. The Controller shall send a copy of the registration form to the Ordinance Violations Bureau and the Director of Communications, for the City of Fort Wayne (hereinafter "Director of Communications").
  5. It is a violation of this Ordinance for any Alarm User who is otherwise required to register an Alarm System, to knowingly maintain or use an Alarm System without completing and submitting the registration form and the registration fee as required in this Ordinance.
  6. An Alarm User is required to notify the Controller of a change of registration information within thirty (30) days of the time when the change of information has occurred.



- 1                   7. **Penalty for violation of this section:** An Alarm User or other person or  
2                   entity violating any provision of this Section (Section 101.02A) shall be  
3                   subject to a fine of not less than \$50.00 nor more than the maximum fine  
4                   allowed by law. If said violation is failure to register pursuant to this  
5                   Section, then said violator shall be fined for each twelve (12) month  
6                   period in which they fail to register unless registration is completed within  
7                   ten (10) days after receiving notification of the failure to register by the  
8                   Controller, provided that prior notification has not been given.
- 9                   8. Registration completed pursuant to this article shall be personal to the  
10                  Alarm User who completes registration for a specific location and is not  
11                  transferable.
- 12                9. Any fees collected as a result of registration or licensing or as a result of  
13                penalties for violation of this Section (Section 101.02A) shall be deposited  
14                into the General Fund of the City of Fort Wayne.

15                B. Alarm Company - Licenses

- 16                1. All Alarm Companies shall obtain from the Controller a License which  
17                authorizes the Alarm Company to install Alarm Systems.
- 18                2. The initial registration fee for a License shall be Two Hundred Fifty and  
19                No/100 Dollars (\$250.00) and shall be valid for one year. There shall be  
20                an annual renewal fee for the License of One Hundred and No/100 Dollars  
21                (\$100.00). The annual Renewal Date and the date upon which the annual  
22                Renewal Fee is due shall be July 1 of each year regardless of when the  
23                Alarm Company originally registered. By June 1, the Controller's Office  
24                shall send a letter to all Alarm Companies notifying them that the Renewal  
25                Fee is due. The original license fee and renewal license fee being charged  
26                shall be used in part to help defray expenses for mailings, notices,  
27                registrations forms and other costs associated with the administration of  
28                the licensing. Payment of all License fees and renewals shall be submitted  
29                to the Controller be made payable to the City of Fort Wayne and be  
30                deposited into the General Fund of the City of Fort Wayne.
3. Application for License. All applications for a License required by this  
                  Article shall be made on forms designated by the Controller and shall  
                  include the following information:
- a.           The full name and address of the Alarm Company.
- b.           The full name, business address and home address of the  
                  manager or person to be contacted at the Alarm Company.

c. A telephone number at which the Fort Wayne Police Department or Fort Wayne Fire Department or Allen County Sheriff's Department can notify personnel of the Alarm Company of a need for assistance at any time.

d. The names and addresses of all Alarm Agents employed by the Alarm Company.

An Alarm Company shall promptly notify the Controller in writing of any change in the information contained in the registration form.

4. It is a violation of this ordinance for any Alarm Company who is otherwise required to obtain a License, to knowingly install an Alarm System without obtaining such a License.

5. Penalty for violation of this section: An Alarm Company or other person or entity violating this section (101.02B) shall be guilty of an infraction and subject to a minimum fine of \$200.00 for each offense and up to the maximum fine allowed by law.

6. An Alarm Company's License shall be personal to the holder and is not transferable.

§101.03

#### **ISSUANCE OF PERMITS/LICENSES**

A. The Controller shall issue to an Alarm User who duly submits a registration form a permit or other document evidencing that registration has been completed. The Controller shall further issue to an Alarm Company a license upon the submission of an application and the appropriate fee in accordance with this Chapter. Upon the payment of the annual renewal fee for renewal of a license the Controller shall further issue a renewal license or other document evidencing that the annual license fee has been duly and timely paid by the Alarm Company. The Controller shall be entitled to withhold the issuance of a permit to an Alarm User or a license to an Alarm Company if the Controller finds or believes that any statement made in a registration or an application is incomplete or false.

B. Immediately after receipt of a registration form duly completed from an Alarm User or an application for license duly completed from an Alarm Company and payment of any fee required, and upon the receipt of renewal fees (when required) and notices of change of information regarding registration or licenses, the Controller shall forward the registration or application to the Director of Communications for the City of Fort Wayne and the Ordinance Violations Bureau. All information on such registration or application shall be protected as confidential



information; provided, however, nothing in this Chapter shall prohibit the use of such information for legitimate law enforcement purposes and for enforcement of this Chapter.

§101.04

#### **AUTOMATIC TELEPHONE DIAL DEVICES PROHIBITED**

- A. It shall be unlawful for any Alarm Company or other person or entity to sell, offer for sale, install, maintain, lease, operate or assist in the operation of an Alarm System containing an Automatic Telephone Dialing Device over any telephone lines exclusively used by the public directly to request emergency service from the Fort Wayne Police Department, the Fort Wayne Fire Department, or the Communications Department of the City of Fort Wayne.
- B. The Fort Wayne Police Chief, the Fort Wayne Fire Chief or the Chief of Communications, or their respective designees, upon receiving knowledge of an Alarm System containing an Automatic Telephone Dialing System installed or operated in violation of this Section (101.04) shall order in writing the owner, operator or lessee to disconnect and cease operation of such Alarm System within seventy-two (72) hours of receipt of the order.
- C. Any Alarm System containing an Automatic Telephone Dialing Device installed prior to the effective date of this ordinance shall be removed within thirty (30) days of the effective date of this Ordinance.
- D. **Penalty for violation of this ordinance:** Any Alarm User, Alarm Company or other person or entity violating this section shall be guilty of an infraction and subject to a minimum fine of \$200.00 for each offense and up to the maximum fine allowed by law. Said fine or penalty when collected shall be deposited into the general fund of the City of Fort Wayne.
- E. Notwithstanding the foregoing, nothing in this section is intended to prohibit the direct connection between the local banking institutions and the Fort Wayne Communications Department up to and including July 31, 1998, however, after July 31, 1998, the City of Fort Wayne will no longer monitor Alarm Systems for banking institutions and therefore Automatic Telephone Dialing Devices being used by banking institutions to connect directly to the Fort Wayne Communications Department or any City of Fort Wayne Department shall be prohibited.

# **AUDIBLE ALARM**

- A. All Alarm Users, Alarm Companies or other persons or entities who install or maintain any Alarm System with an audible alarm (except such system on a vehicle) shall conspicuously affix on the exterior of the protected building or structures:
  1. The name and telephone number of the Alarm User or such other person or entity responsible for the control of the premises if it is a Local Alarm System, or
  2. The name and phone number of the Alarm Company if it is a monitored Alarm System.
- B. All Alarm Users, Alarm Companies or any other persons or entities who install or maintain any Alarm System with an Audible Alarm shall install and/or maintain said Alarm System in such a way that it automatically discontinues emitting an audible sound within fifteen (15) minutes after activation of the alarm and which will prevent the alarm from sounding again as a result of the same event that caused the original activation.
- C. When Manual Fire Alarm Signaling Devices are installed and are not directly connected to the Fort Wayne Fire Department or monitored by a 24 hour security service, a permanent sign shall be installed at each actuating device. These signs shall read as follows:

## **IN CASE OF FIRE**

1. Pull this alarm
  2. Telephone the Fire Department 9-1-1
- D. **Penalty for violation of this section:** All Alarm Users, Alarm Companies or other persons or entities violating this Section (101.05) shall be subject to a fine of \$50.00 for each action or omission which constitutes a violation of this Section. Said fine or penalty when collected shall be deposited into the general fund of the City of Fort Wayne.

# **VALIDITY OF ALARMS**

- A. Whenever an Alarm System is activated in the City of Fort Wayne which results in a response to the premises by the Police or Fire Department, the officer on the scene of the activated Alarm System shall inspect the area protected by the Alarm System and shall determine whether a public safety response was required or if it was a False Alarm.



1 B. If the Officer at the scene of the activated Alarm System determines the  
2 alarm to be false, the officer shall make a report of the False Alarm, notice  
3 of which shall be sent to the Alarm User at the address of the Alarm User,  
4 or at least the last known address of the Alarm User, if different from the  
5 premises address, or to the address and the attention of the person or  
6 entity designated by the Alarm User as its agent for notification. A copy  
7 of the report shall be sent to the Ordinance Violations Bureau who shall  
8 track the number of False Alarms.

9 C. The Police Chief or the Fire Chief of the City of Fort Wayne, or his  
10 designee, shall have the right to inspect the premises to which a response  
11 has been made and may cause such inspection to be made at any  
12 reasonable time after the occurrence of a False Alarm.

13 101.07

### 14 **FALSE ALARM PENALTIES AND ENFORCEMENT**

15 A. Whenever an Alarm User issues, causes to be issued, or permits the  
16 issuance of a False Alarm, this Section (101.07) shall apply; provided,  
17 however, this section shall not apply to a mentally incapacitated person  
18 utilizing Alarm Systems in a Dwelling or Dwelling Unit.

19 B. An Alarm User shall be assessed a \$50.00 penalty for each False Alarm  
20 recorded within any calendar year by the Ordinance Violations Bureau  
21 after the occurrence of the second (2nd) False Alarm requiring Police  
22 Department response. Said Fifty Dollar (\$50.00) penalty shall be paid by  
23 the Alarm User to the City of Fort Wayne Ordinance Violation Bureau  
24 who shall deposit the funds in the General Fund of the Fort Wayne Police  
25 Department.

26 C. An Alarm User shall be assessed a Fifty Dollars (\$50.00) penalty for each  
27 False Alarm recorded within any calendar year by the Ordinance  
28 Violations Bureau after the occurrence of the second (2nd) False Alarm  
29 requiring City of Fort Wayne Fire Department response. Said Fifty  
30 Dollars (\$50.00) penalty shall be paid by the Alarm User to the City of  
Fort Wayne Ordinance Violation Bureau who shall deposit the funds in  
the General Fund of the Fort Wayne Fire Department.

D. Any Alarm User required to register and who fails to register or otherwise  
comply with Section 101.02 of this Ordinance and who causes to be  
issued, or permits the issuance of a False Alarm shall be assessed a \$50.00  
penalty for each False Alarm recorded by the Ordinance Violations  
Bureau. If said fine is not paid within thirty (30) days of its due date,  
there will be a late fee in addition to the fine of \$25.00. Any penalties  
and any late fees due under this Section 101.07 shall be paid by the Alarm  
User to the City of Fort Wayne Ordinance Violations Bureau who shall  
deposit the funds in the General Fund of the Fort Wayne Police

Department or the Fort Wayne Fire Department depending on which department responded to the False Alarm.

E. Enforcing Authority. The authority for enforcing this Chapter shall be with the Fort Wayne Police Department, Fort Wayne Fire Department, the Controller and the Ordinance Violation Bureau.

F. Any Alarm Company, Alarm User, or any other individual or company affected by and subject to a fine under this Ordinance shall have the right to appeal the fines and penalties which right to appeal shall be governed by and handled in accordance with the procedures established by the Ordinance Violations Bureau.

§101.08

#### **EFFECTIVE DATE**

1. The effective date of this Ordinance shall be the later of November 1, 1997 or the date of its passage, any and all necessary approval by the Mayor of the City of Fort Wayne, and any publication or other notices required under Indiana law.

2. All Alarm Users required to register under this Chapter who have Alarm Systems installed on or before the effective date of this Ordinance, shall register pursuant to Section 101.02 of this Chapter not later than February 1, 1998. All Alarm Users required to register under this Chapter and installing and activating Alarm Systems on or after the effective date of this Ordinance, shall be required to register pursuant to this Chapter within the time parameters specified herein.

3. All Alarm Companies required to obtain Licenses under this Chapter shall obtain said License on the later of November 1, 1997 or sixty (60) days after the effective date of this Ordinance to obtain its License.

Section 3. This Ordinance shall be in full force and effect on the later to occur of July 1, 1997, or the date of its passage and any and all necessary approval by the Mayor of the City of Fort Wayne, and any publication or other notices required under Indiana law.

---

Council Member

#### **APPROVED AS TO FORM AND LEGALITY**

---

Joseph G. Bonahoom, Attorney for City Council



*Sandy* *Keep*

w:\jgb\373.001\1057.ord - 8/017 - clean

**BILL NO. G-97-06-07 (As Amended) (as amended)(as amended)(as amended)**

**GENERAL ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE CREATING CHAPTER 101 TO BE INCLUDED  
IN TITLE IX: GENERAL REGULATIONS OF THE  
CITY OF FORT WAYNE CODE OF ORDINANCES**

**WHEREAS**, the Common Council of the City of Fort Wayne is attempting to encourage homeowners, business owners, and installers of alarm systems to practice preventive maintenance and to undertake corrections with alarm systems in order to avoid false alarms; and

**WHEREAS**, there is a significant cost to taxpayers in the form of police and fire department responses to multiple false alarms throughout the course of a given year; and

**WHEREAS**, it is necessary for the City to attempt to reduce the number of false alarms and to defray the costs associated with responding to false alarms; and

**WHEREAS**, it is appropriate that costs attributable to the use of alarm systems including false alarm response costs should be borne by the users and installers of such systems.

**NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
CITY OF FORT WAYNE, INDIANA**

Section 1. That Title IX: General Regulations of the City of Fort Wayne Code of Ordinance shall be amended to add a new Chapter which shall be designated Chapter 101 and titled "Private Emergency Alarm Systems."

Section 2. That the following is adopted as Chapter 101 - Private Emergency Alarm Systems under Title IX of the General Regulations of the Code of Ordinances.

**CHAPTER 101 PRIVATE EMERGENCY ALARM SYSTEMS**

**Section**

- 101.01 Definitions
- 101.02 Registration/Licenses
- 101.03 Installation of Alarm Systems
- 101.04 Issuance of Alarm System Permit
- 101.05 Automatic Telephone Dial Devices Prohibited
- 101.06 Audible Alarm
- 101.07 Validity of Alarms
- 101.08 False Alarm penalties and Enforcement
- 101.09 Effective Date

**§ 101.01 DEFINITIONS**

1 A. Alarm Agent. The term "Alarm Agent" means any person who is employed  
2 by an "Alarm Company" either directly or indirectly, whose duties include  
3 selling, maintaining, leasing, servicing, repairing, altering, replacing, moving,  
4 monitoring or installing on or in any building, structure, facility or grounds  
5 any "Alarm System."

6 B. Alarm System. The term "Alarm System" means an assembly of equipment  
7 and devices arranged to signal the presence of a hazard requiring attention  
8 and to which police or fire department personnel are expected to respond.  
9 Alarm Systems include those through which public safety personnel are  
10 notified directly of such signals through automatic recording devices or are  
11 notified indirectly by way of third persons who monitor the Alarm Systems  
12 and who report such signals to the Communications Department. Alarm  
13 Systems also include those designed to register a signal which is audible,  
14 visible or in other ways perceptible outside a protected building, structure or  
15 facility as to notify persons in the neighborhood beyond the zoning lot where  
16 the signal is located who in turn may notify the appropriate emergency  
17 provider of the signal. Alarm Systems do not include auxiliary devices  
18 installed by telephone companies to protect telephone equipment or systems  
19 which might be damaged or disrupted by the use of an Alarm System. The  
20 term "Alarm System" shall include the terms "Automatic" or "Manual Hold  
21 Up Alarm System," "Burglar Alarm Systems," "Security Alarm Systems,"  
22 and "Automatic" or "Manual Fire Alarm Systems."

23 This definition does not include audible alarms fixed to automobiles or other  
24 vehicles; or smoke detectors for Dwellings which are not connected to a  
25 monitoring agency.

26 C. Alarm Company means any person or entity whether an individual,  
27 partnership, corporation, or other entity selling, leasing, maintaining,  
28 servicing, repairing, altering, replacing, removing, monitoring or installing  
29 any Alarm System or causing to be sold, leased, maintained, serviced,  
30 repaired, altered, replaced, removed, or installed any Alarm System in or any  
31 building, structure or facility.

32 D. Alarm User means any person, firm, partnership, association, corporation,  
33 company, or other entity or organization of any kind having ownership or  
34 control (as a tenant, owner or otherwise) of any Dwelling or Commercial  
35 Building, structure, or facility where an Alarm System is maintained or  
36 activated.

37 E. Audible Alarm. A device designed for the detection of a condition that  
38 would result in a public safety response on the premises, which generates an  
39 audible sound on the premises when it is activated.

40 F. Controller. "Controller" shall mean the Controller of the City of Fort Wayne



1 whose address for the purposes of this Chapter shall be Civil City Accounting  
2 Room 420, One East Main Street, Fort Wayne, IN 46802 and whose phone  
3 number for the purposes of obtaining information concerning this Chapter  
4 shall be (219) 427-1104.

5 G. Automatic Telephone Dialing Device. A device which is interconnected to  
6 an alarm system which automatically sends a pre-recorded message or coded  
7 signal to a law enforcement agency indicating the activation of the alarm  
8 system or a device which is interconnected to telephone lines and is  
9 programmed to select a pre-determined number and transmit by voice  
10 message or code signal and emergency message indicating a need for  
11 emergency response.

12 H. Dwelling. A building or portion therefore used primarily as a place of abode  
13 for one or more human beings, but not including hotels, lodging or boarding  
14 houses or tourist homes.

15 I. Dwelling - One Family. A building used for occupancy by one family.

16 J. Dwelling - Two Family. A building used for occupancy by two families  
17 living independently of each other.

18 K. Dwelling - Three Family. A building used for occupancy by three families  
19 living independently of each other.

20 L. Dwelling Unit. A Dwelling or a portion of a Dwelling or of an apartment or  
21 hotel used by one family for cooking, living, and sleeping purposes.

22 M. Dwelling - Multi-Family. A building or portion thereof used for occupancy  
23 by four or more families living independently of each other.

24 N. Commercial Building. A commercial building is any building or portion  
25 thereof which is not a One, Two, Three, or Multi-Family Dwelling.

26 O. False Alarm. The term "False Alarm" means the activation of an Alarm  
27 System through mechanical failure, malfunction, improper installation, or as  
28 a result of the negligence, misuse or misconduct of an Alarm User or Alarm  
29 Company of an Alarm System or of the agents, employees or representatives  
30 of an Alarm User or Alarm Company. This does not include alarms caused  
by severe weather, natural or man-made disaster, power or telephone service  
outages, authorized Alarm testing, for which prior notification to the  
Communications Center has been made or malicious acts of person or  
persons not under the direct control of the owner, lessee, or his employees or  
agents.

1 P. License. The term "License" means an authorization of the City of Fort  
2 Wayne to allow an Alarm Company to install or maintain an Alarm System  
3 within the City of Fort Wayne which is commercially monitored or which is  
4 electronically connected to the Communications Center of the City of Fort  
Wayne or an Alarm System which when activated would result in a Police or  
Fire Department response.

5 Q. Local Alarm System. Means a signal system which when activated causes an  
6 audible and/or visible signaling device to be activated only in or on the  
premises in which the Alarm System is installed, operated or maintained.

7 R. Monitored Alarm System. Means an Alarm System using a digital alarm  
8 communication system or supervised dedicated circuits transmit alarm,  
9 supervisory and trouble signals from one or more protected premises to a  
remote location at which appropriate action is taken.

10 § 101.02 **REGISTRATION/LICENSES**

11 A. Alarm User's Registration. All Alarm Users, within thirty (30) days of the  
12 installation of an Alarm System for all Multi-Family Dwellings and  
13 Commercial Buildings where Alarm Systems are installed shall register with  
14 the Controller any such Alarm System according to the provisions set out  
herein. Said initial registration shall be completed as more specifically set  
out in Section 3 herein. (101.02A3)

15 1. The Registration shall be on a form prescribed by the Controller and shall  
16 include the following information:

17 a. Name, telephone number, and address of the Alarm User,  
18 including the name of an individual with authority to bind the  
19 Alarm User and who has information pertinent to the Alarm  
20 System.

21 b. Address and telephone number at which the Alarm System is  
22 located, including the name of an individual with authority to  
23 bind the Alarm User and who has information pertinent to the  
Alarm System.

24 c. Alarm Systems service (Police, Fire, other).

25 d. Alarm System type (commercial monitoring, audible, silent,  
26 direct connection, other).



1 e. Names, addresses and telephone numbers of at least two (2)  
2 people who shall be contacted and who shall respond in the  
3 event of an alarm activation.

4 f. The name, address and telephone number of the Alarm  
5 Company.

6 g. Any other additional information requested on registration  
7 forms provided by the Controller.

8 2. Registrations by Alarm Users must be completed for each individual  
9 structure where an Alarm System is in operation in a Multi-Family  
10 Dwelling, or a Commercial Building. Registration shall be completed by  
11 Alarm Users for each individual business within a single structure where  
12 an Alarm System is installed and in operation.

13 3. There shall be no registration fee for Alarm Users otherwise required to  
14 register an Alarm System except as noted herein. Upon the occurrence  
15 of a third false alarm for a particular Alarm System within the same  
16 calendar year, the Alarm User will be required to pay a Fifty Dollar  
17 (\$50.00) registration fee to the Controller' Office. This registration fee  
18 shall be in addition to the penalty for failure to register as designated in  
19 101.02A(7) of this Ordinance.

20 4. The Controller shall send a copy of the registration form to the Ordinance  
21 Violations Bureau and the Director of Communications, for the City of  
22 Fort Wayne (hereinafter "Director of Communications").

23 5. It is a violation of this Ordinance for any Alarm User who is otherwise  
24 required to register an Alarm System, to knowingly maintain or use an  
25 Alarm System without completing and submitting the registration form  
26 and the registration fee as required in this Ordinance.

27 6. An Alarm User is required to notify the Controller of a change of  
28 registration information within thirty (30) days of the time when the  
29 change of information has occurred.  
30

- 1                   7. **Penalty for violation of this section:** An Alarm User or other person or  
2                   entity violating any provision of this Section (Section 101.02A) shall be  
3                   subject to a fine of not less than \$50.00 nor more than the maximum fine  
4                   allowed by law. If said violation is failure to register pursuant to this  
5                   Section, then said violator shall be fined for each twelve (12) month  
6                   period in which they fail to register unless registration is completed  
7                   within ten (10) days after receiving notification of the failure to register  
8                   by the Controller, provided that prior notification has not been given.  
9  
10                  8. Registration completed pursuant to this article shall be personal to the  
11                  Alarm User who completes registration for a specific location and is not  
12                  transferable.  
13  
14                  9. Any fees collected as a result of registration or licensing or as a result of  
15                  penalties for violation of this Section (Section 101.02A) shall be  
16                  deposited into the General Fund of the City of Fort Wayne.

17                  B.     Alarm Company - Licenses

- 18                  1. All Alarm Companies shall obtain from the Controller a License which  
19                  authorizes the Alarm Company to install Alarm Systems.  
20  
21                  2. The initial registration fee for a License shall be Two Hundred Fifty and  
22                  No/100 Dollars (\$250.00) and shall be valid for one year. There shall be  
23                  an annual renewal fee for the License of One Hundred and No/100  
24                  Dollars (\$100.00). The annual Renewal Date and the date upon which  
25                  the annual Renewal Fee is due shall be July 1 of each year regardless of  
26                  when the Alarm Company originally registered. By June 1, the  
27                  Controller's Office shall send a letter to all Alarm Companies notifying  
28                  them that the Renewal Fee is due. The original license fee and renewal  
29                  license fee being charged shall be used in part to help defray expenses for  
30                  mailings, notices, registrations forms and other costs associated with the  
                    administration of the licensing. Payment of all License fees and renewals  
                    shall be submitted to the Controller be made payable to the City of Fort  
                    Wayne and be deposited into the General Fund of the City of Fort Wayne.
- 31                  3. Application for License. All applications for a License required by this  
32                  Article shall be made on forms designated by the Controller and shall  
33                  include the following information:
- 34                          a.           The full name and address of the Alarm Company.  
35                          b.           The full name, business address and home address of the  
36                                      manager or person to be contacted at the Alarm Company.



1 c. A telephone number at which the Fort Wayne Police  
2 Department or Fort Wayne Fire Department or Allen County  
3 Sheriff's Department can notify personnel of the Alarm  
4 Company of a need for assistance at any time.

5 d. The names and addresses of all Alarm Agents employed by  
6 the Alarm Company.

7 An Alarm Company shall promptly notify the Controller in writing of any  
8 change in the information contained in the registration form.

9 4. It is a violation of this ordinance for any Alarm Company who is  
10 otherwise required to obtain a License, to knowingly install an Alarm  
11 System without obtaining such a License.

12 5. Penalty for violation of this section: An Alarm Company or other person  
13 or entity violating this section (101.02B) shall be guilty of an infraction  
14 and subject to a minimum fine of \$200.00 for each offense and up to the  
15 maximum fine allowed by law.

16 6. An Alarm Company's License shall be personal to the <sup>company holding</sup> ~~holder~~ <sup>the license</sup> and is not  
17 transferable.

18 §101.03

## 19 ISSUANCE OF PERMITS/LICENSES

20 A. The Controller shall issue to an Alarm User who duly submits a  
21 registration form a permit or other document evidencing that registration  
22 has been completed. The Controller shall further issue to an Alarm  
23 Company a license upon the submission of an application and the  
24 appropriate fee in accordance with this Chapter. Upon the payment of the  
25 annual renewal fee for renewal of a license the Controller shall further  
26 issue a renewal license or other document evidencing that the annual  
27 license fee has been duly and timely paid by the Alarm Company. The  
28 Controller shall be entitled to withhold the issuance of a permit to an  
29 Alarm User or a license to an Alarm Company if the Controller finds or  
30 believes that any statement made in a registration or an application is  
incomplete or false.

B. Immediately after receipt of a registration form duly completed from an  
Alarm User or an application for license duly completed from an Alarm  
Company and payment of any fee required, and upon the receipt of  
renewal fees (when required) and notices of change of information  
regarding registration or licenses, the Controller shall forward the  
registration or application to the Director of Communications for the City  
of Fort Wayne and the Ordinance Violations Bureau. All information on  
such registration or application shall be protected as confidential

information; provided, however, nothing in this Chapter shall prohibit the use of such information for legitimate law enforcement purposes and for enforcement of this Chapter.

§101.04

#### AUTOMATIC TELEPHONE DIAL DEVICES PROHIBITED

- A. It shall be unlawful for any Alarm Company or other person or entity to sell, offer for sale, install, maintain, lease, operate or assist in the operation of an Alarm System containing an Automatic Telephone Dialing Device over any telephone lines exclusively used by the public directly to request emergency service from the Fort Wayne Police Department, the Fort Wayne Fire Department, or the Communications Department of the City of Fort Wayne.
- B. The Fort Wayne Police Chief, the Fort Wayne Fire Chief or the Chief of Communications, or their respective designees, upon receiving knowledge of an Alarm System containing an Automatic Telephone Dialing System installed or operated in violation of this Section (101.04) shall order in writing the owner, operator or lessee to disconnect and cease operation of such Alarm System within seventy-two (72) hours of receipt of the order.
- C. Any Alarm System containing an Automatic Telephone Dialing Device installed prior to the effective date of this ordinance shall be removed within thirty (30) days of the effective date of this Ordinance.
- D. **Penalty for violation of this ordinance:** Any Alarm User, Alarm Company or other person or entity violating this section shall be guilty of an infraction and subject to a minimum fine of \$200.00 for each offense and up to the maximum fine allowed by law. Said fine or penalty when collected shall be deposited into the general fund of the City of Fort Wayne.
- E. Notwithstanding the foregoing, nothing in this section is intended to prohibit the direct connection between the local banking institutions and the Fort Wayne Communications Department up to and including July 31, 1998, however, after July 31, 1998, the City of Fort Wayne will no longer monitor Alarm Systems for banking institutions and therefore Automatic Telephone Dialing Devices being used by banking institutions to connect directly to the Fort Wayne Communications Department or any City of Fort Wayne Department shall be prohibited.

or  
any  
device



# AUDIBLE ALARM

A. All Alarm Users, Alarm Companies or other persons or entities who install or maintain any Alarm System with an audible alarm (except such system on a vehicle) shall conspicuously affix on the exterior of the protected building or structures:

1. The name and telephone number of the Alarm User or such other person or entity responsible for the control of the premises if it is a Local Alarm System, or
2. The name and phone number of the Alarm Company if it is a monitored Alarm System.

B. All Alarm Users, Alarm Companies or any other persons or entities who install or maintain any Alarm System with an Audible Alarm shall install and/or maintain said Alarm System in such a way that it automatically discontinues emitting an audible sound within fifteen (15) minutes after activation of the alarm and which will prevent the alarm from sounding again as a result of the same event that caused the original activation.

C. When Manual Fire Alarm Signaling Devices are installed and are not directly connected to the Fort Wayne Fire Department or monitored by a 24 hour security service, a permanent sign shall be installed at each actuating device. These signs shall read as follows:

## IN CASE OF FIRE

1. Pull this alarm
2. Telephone the Fire Department 9-1-1

D. **Penalty for violation of this section:** All Alarm Users, Alarm Companies or other persons or entities violating this Section (101.05) shall be subject to a fine of \$50.00 for each action or omission which constitutes a violation of this Section. Said fine or penalty when collected shall be deposited into the general fund of the City of Fort Wayne.

# VALIDITY OF ALARMS

A. Whenever an Alarm System is activated in the City of Fort Wayne which results in a response to the premises by the Police or Fire Department, the officer on the scene of the activated Alarm System shall inspect the area protected by the Alarm System and shall determine whether a public safety response was required or if it was a False Alarm.

1 B. If the Officer at the scene of the activated Alarm System determines the  
2 alarm to be false, the officer shall make a report of the False Alarm,  
3 notice of which shall be sent to the Alarm User at the address of the  
4 Alarm User, or at least the last known address of the Alarm User, if  
5 different from the premises address, or to the address and the attention of  
6 the person or entity designated by the Alarm User as its agent for  
7 notification. A copy of the report shall be sent to the Ordinance  
8 Violations Bureau who shall track the number of False Alarms.

9 C. The Police Chief or the Fire Chief of the City of Fort Wayne, or his  
10 designee, shall have the right to inspect the premises to which a response  
11 has been made and may cause such inspection to be made at any  
12 reasonable time after the occurrence of a False Alarm.

13 101.07

#### 14 FALSE ALARM PENALTIES AND ENFORCEMENT

15 A. Whenever an Alarm User issues, causes to be issued, or permits the  
16 issuance of a False Alarm, this Section (101.07) shall apply; provided,  
17 however, this section shall not apply to a mentally incapacitated person  
18 utilizing Alarm Systems in a Dwelling or Dwelling Unit.

19 B. An Alarm User shall be assessed a \$50.00 penalty for each False Alarm  
20 recorded within any calendar year by the Ordinance Violations Bureau  
21 after the occurrence of the second (2nd) False Alarm requiring Police  
22 Department response. Said Fifty Dollar (\$50.00) penalty shall be paid by  
23 the Alarm User to the City of Fort Wayne Ordinance Violation Bureau  
24 who shall deposit the funds in the General Fund of the Fort Wayne Police  
25 Department.

26 C. An Alarm User shall be assessed a Fifty Dollars (\$50.00) penalty for  
27 each False Alarm recorded within any calendar year by the Ordinance  
28 Violations Bureau after the occurrence of the second (2nd) False Alarm  
29 requiring City of Fort Wayne Fire Department response. Said Fifty  
30 Dollars (\$50.00) penalty shall be paid by the Alarm User to the City of  
Fort Wayne Ordinance Violation Bureau who shall deposit the funds in  
the General Fund of the Fort Wayne Fire Department.

D. Any Alarm User required to register and who fails to register or otherwise  
comply with Section 101.02 of this Ordinance and who causes to be  
issued, or permits the issuance of a False Alarm shall be assessed a  
\$50.00 penalty for each False Alarm recorded by the Ordinance  
Violations Bureau. If said fine is not paid within thirty (30) days of its  
due date, then in addition to said penalty there will be a late fee of \$25.00.  
Any penalties and any late fees due under this Section 101.07 shall be  
paid by the Alarm User to the City of Fort Wayne Ordinance Violations  
Bureau who shall deposit the funds in the General Fund of the Fort



Wayne Police Department or the Fort Wayne Fire Department depending on which department responded to the False Alarm.

E. Enforcing Authority. The authority for enforcing this Chapter shall be with the Fort Wayne Police Department, Fort Wayne Fire Department, the Controller and the Ordinance Violation Bureau.

F. Any Alarm Company, Alarm User, or any other individual or company affected by and subject to a fine under this Ordinance shall have the right to appeal the fines and penalties which right to appeal shall be governed by and handled in accordance with the procedures established by the Ordinance Violations Bureau.

§101.08 **EFFECTIVE DATE**

1. The effective date of this Ordinance shall be the later of November 1, 1997 or the date of its passage, any and all necessary approval by the Mayor of the City of Fort Wayne, and any publication or other notices required under Indiana law.
2. All Alarm Users required to register under this Chapter who have Alarm Systems installed on or before the effective date of this Ordinance, shall register pursuant to Section 101.02 of this Chapter not later than February 1, 1998 . All Alarm Users required to register under this Chapter and installing and activating Alarm Systems on or after the effective date of this Ordinance, shall be required to register pursuant to this Chapter within the time parameters specified herein.
3. All Alarm Companies required to obtain Licenses under this Chapter shall obtain said License on the later of November 1, 1997 or sixty (60) days after the effective date of this Ordinance to obtain its License.

Section 3. This Ordinance shall be in full force and effect on the later to occur of July 1, 1997, or the date of its passage and any and all necessary approval by the Mayor of the City of Fort Wayne, and any publication or other notices required under Indiana law.

---

Council Member

**APPROVED AS TO FORM AND LEGALITY**

---

Joseph G. Bonahoom, Attorney for City Council

*Sandy*  
*Keep*

**FORT WAYNE COMMON COUNCIL  
MEMORANDUM**

**DATE:** August 12, 1997

**TO:** All City Council Members

**FROM:** Gina Kostoff, Council Research Assistant *G.K.*

**RE:** Alarm System Ordinance

Attached please find a flowchart of the fines for alarm systems users in the ordinance. This flowchart, prepared by Val Breen of Civil City Accounting, shows what the alarm user pays in fines and penalties in various circumstances. Hopefully, this will help clarify any confusion that may have resulted from last week's discussion.

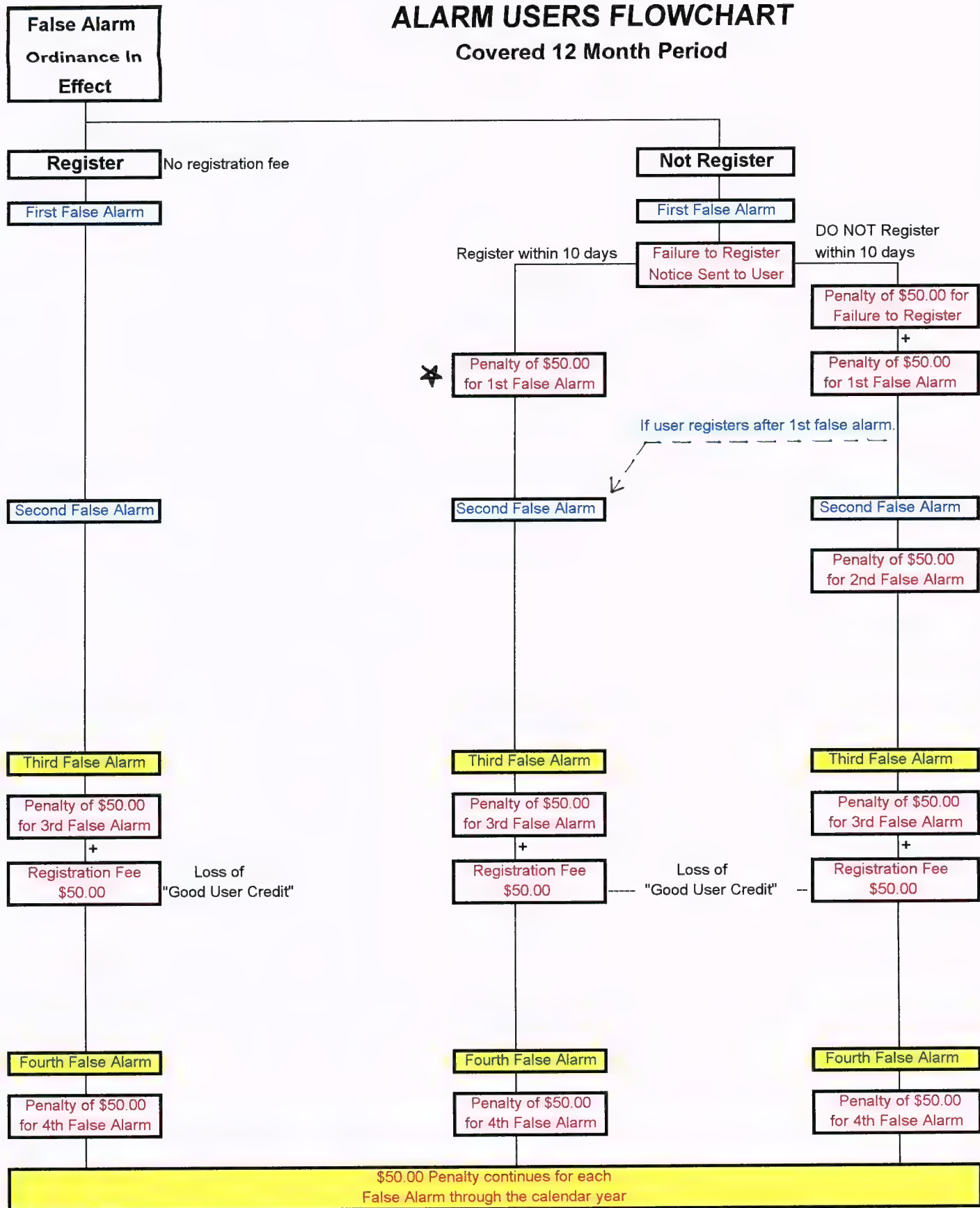
One area that was not discussed at Council last week was section 101.07 (D), referencing penalties if a user fails to register after a false alarm (see the starred section on the flowchart). This chart should clarify this issue. Let me know if you have any questions.

c.c. file

Council President Thomas C. Henry  
Council Vice-President Rebecca J. Ravine  
Councilman Arhcie L. Lunsey, 1st District  
Councilman Donald J. Schmidt, 2nd District  
Councilman Thomas E. Hayhurst, 4th District  
Councilwoman Diedre A. Hall, 5th District  
Councilman Cletus R. Edmonds, 6th District  
Councilman John N. Crawford, At Large  
Councilman Martin A. Bender, At Large

# ALARM USERS FLOWCHART

## Covered 12 Month Period



All Penalties/Fines are subject to a \$25.00 late fee if not paid within 30 days of its due date.



*Sandy - keep in file*

## Alarm Systems Ordinance

### Responsibilities

#### Alarm Company ->

- Informs Alarm user of their responsibility to obtain a permit
- Registers themselves as a company and is responsible for yearly renewal on July 1
- Notifies Controller's office of any changes in their registration information

#### Alarm User (Business and Residential dwellings of four or more units)->

- Registers themselves as an alarm user
- Sends registration to Controller's office
- Notifies Controller's office of any changes in registration information
- Responsible for keeping system in good working condition and training personnel on how to use the system in order to avoid false alarms

#### Controller's office->

- Takes registrations, enters into Spillman System, deposits fees, issues permits and licenses
- Maintains registration list on Spillman for use by Communications and Ordinance Violations Bureau
- Sends receipts and licenses back to companies and permits back to users
- Sends renewal letters to alarm companies
- Receives renewals and fees, deposits fees, issues receipt of renewal back to companies
- Notifies Alarm Company and Alarm User of failure to register

#### Ordinance Violations Bureau ->

- Receives false alarm reports from firefighters and police officers
- Tracks number of false alarms
- Issues violations and collects fines
- Access to information in Spillman

#### Police Department ->

- Responds to Alarm runs and determine if false
- If false, issues Miscellaneous Incident Report
- Files report with Records Division which enters information into Spillman system

#### Fire Department ->

- Responds to Alarm runs and determines if false
- If false, issues Miscellaneous Incident Reports
- Report entered into Spillman by firefighter of Fire Administration

#### Communications ->

- Takes emergency calls
- Dispatches appropriate public safety division
- Has access to all information in Spillman
- Gives officer/firefighter at scene vital information about the type of alarm system and contact person
- No longer monitors alarm systems for banks and financial institutions - will receive the same level of service as other taxpayers

## **COST OF FALSE ALARM RUNS TO THE PUBLIC SAFETY DIVISION**

These figures are estimates based on 1996 figures from the Fire Department and 1993 figures by the Police Department.

### **FIRE DEPARTMENT**

Alarm Runs	734
Time Spent per run	Between 5 - 30 minutes
Cost of Truck per hour	\$250
Salary per firefighter per hour (4 per truck)	\$ 66
<b>COST</b>	<b>\$188,638</b>

### **POLICE DEPARTMENT**

Alarm Runs (98.3% false)	12,000
Time Spent per run	47 mins.
# of Officers per run	2
<b>COST</b>	<b>\$385,000</b>

<b>TOTAL COST OF FALSE ALARMS</b>	<b>\$573,638</b>
-----------------------------------	------------------

## **BUDGET PROJECTION**

The following is anticipated income from the implementation of the Alarm System Ordinance. This projection is based on 12,734 alarm runs (the latest figures available) made by the City's Public Safety Divisions. It is estimated that 7,367 of those runs represent repeat runs. It is further estimated that 5,367 represent businesses and multi-family dwellings that utilize an alarm system. These projections are very conservative estimates.

### **Alarm Company Licenses**

License Fee (initial fee)	\$250
Alarm Companies (approximate)	<u>32</u>
	<b>\$8,000</b>

### **Penalties**

Fine (on the occurrence of the 3rd false alarm)	\$50
Approximate of 3rd false alarms	<u>2,455</u>
	<b>\$122,783</b>

### **Alarm User Permit Fees**

Registration Fee	\$50
# of Users paying a registration fee (based on the # of 3rd false alarms)	<u>2,455</u>
	<b>\$122,783</b>

**TOTAL PROJECTED REVENUE----->\$253,566**



*Sandy K -  
- Keep - in file -*

## MEMO

TO: All Members of City Council

FROM: Joseph G. Bonahoom

DATE: \*August 4, 1997

RE: Annexation Ordinance No. X-01-92 and that Particular Agreement in lieu of Immediate Annexation by and between Chemical Waste Management of Indiana, Inc., T.C., Inc., Mutual Development Company, Inc., Navistar International Transportation and the City of Fort Wayne (hereinafter "Agreement").

---

I have been asked to review the above-referenced Ordinance specifically with reference to the Advisory Board created under the Agreement. The main questions that were posed to me, as I understand them, were as follows:

1. What, if anything, can City Council do to control and/or modify the Advisory Board created under the Agreement.
2. Would an amendment to the above-referenced Ordinance accomplish this goal?

I believe that this question arose as a result of James Winters being appointed to a consulting type position over the Advisory Board. It was the desire of several members of City Council to create a mechanism whereby there would be appointment type controls or other controls over the members of that Board in order to assure that appointments such as the James Winters appointment, which many City Council Members see as inappropriate, would not take place in the future.

I have had an opportunity to review not only the Ordinance but also Indiana statutes and the Fort Wayne Code of Ordinances on this issue. Having made that review, it is my opinion that an overall repeal of the Chem Waste Annexation Ordinance or a modification in and of itself would not solve the problem.

First off, an overall repeal of the ordinance, I believe, would have some effects that are not desired by City Council. While I did not look into the issue specifically, you need to understand that this was also an annexation ordinance. If you repeal the entire ordinance, in an attempt to re-create or revise the advisory board provision, you in essence would be repealing the annexation. It would then seem that in order to re-institute this annexation, the annexation statute would have

to be followed either on a voluntary or an involuntary basis. In order to do it on a voluntary basis such as the existing ordinance, you would have to obtain the petition of 51% of the owners of the territory to be annexed and owners of 75% of the total assessed value. This in and of itself may not be a problem, however, this entire voluntary annexation was predicated upon the Agreement which was also approved as part of this ordinance. By repealing the entire ordinance, you would in essence be voiding this Agreement and it would leave a trust fund and no guidance on, or authority over the fund. It would also leave a situation where there is no requirement to make any additional payments into the trust fund and potentially it would create a de-annexation situation, albeit inadvertently. In addition, if Council passed another annexation ordinance we would then have to follow all statutory procedures on annexation, including a public hearing. I do not believe it is advisable to take this step at this time bearing in mind that even if an entire repeal of the ordinance were workable, you would still have to go back in and make a new agreement with Chem Waste and the other parties to the Agreement in order to complete the annexation. This is clearly not the answer.

The next option would be to modify a portion of the ordinance in an attempt to achieve the goal of changing the advisory board. Based on my review, the authority to amend, repeal or modify existing ordinances does exist, however, the mere fact that you can amend a particular ordinance does not give City Council the authority to unilaterally make a change to an agreement which was consented to under a particular ordinance. The Agreement in question at this time is an agreement between the City of Fort Wayne and four other entities. This Agreement was presented to City Council as part of an ordinance and in seeking approval on the annexation the parties also sought approval and consent for the Agreement itself. Consequently, amendment to the ordinance in and of itself does not and cannot unilaterally amend the Agreement. In other words, City Council cannot change the rights of the parties to the Agreement without first consulting with the parties and getting each of the parties to the Agreement to agree to those changes. Once those changes or modifications to the Agreement have been agreed to by the parties, then the new or modified agreement should be presented to City Council for its approval. It would be in this way that this particular ordinance would be amended and the amendment would be to accept the new agreement as submitted by the parties to the original agreement. In most cases, even where City Council makes an amendment to an ordinance, local ordinances at both Sections 32.61 and 10.16 indicate, regarding repeal or modification, that any right which was secured under an ordinance previous to its repeal or modification, shall not be affected and the party having such right has the ability to enjoy that right into the future. While there is some latitude under that provision to expressly provide for the elimination of or the changing of rights, I could find nothing that gives City Council the authority to unilaterally change an agreement, to which it had previously consented by ordinance, and to which it is not a party.

The Indiana statutes are basically silent on this issue and really speak only in terms of general authority to adopt, repeal, and amend ordinances.

I believe in looking at this issue the focus needs to be on the fact that this is a contractual arrangement between the City of Fort Wayne and four other parties. If City Council was at odds with some of the contractual provisions then the point in time to request changes to the Agreement would have been prior to adoption by ordinance. Once the Agreement was adopted, City Council does not have the ability to amend the Agreement without the consent of all the parties to the Agreement. Consequently, if there is to be a proposed amendment to the Ordinance which amendment would encompass a change in the Agreement, then there would need to be an amended agreement which was signed and agreed to by all of the parties to the previous Agreement and said modified agreement would be submitted to City Council in ordinance form for adoption and passage. This overall process could be done in the context of a modification to the existing ordinance.

At the present time it appears that the only workable way to change the provision in the Agreement would be to gather the parties together and make some proposed changes to Paragraph 6 of the Agreement which deals with the trust fund, the advisory board and other issues. Presently, the only control that City Council would have over this board is through its existing right to make appointments.

If any of you have any questions or concerns with respect to this, please feel free to contact me.



**BILL NO. G- 97-06-09** (As Amended) (As Amended)

**GENERAL ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE CREATING CHAPTER 101 TO BE INCLUDED  
IN TITLE IX: GENERAL REGULATIONS OF THE  
CITY OF FORT WAYNE CODE OF ORDINANCES**

**WHEREAS**, the Common Council of the City of Fort Wayne is attempting to encourage homeowners, business owners, and installers of alarm systems to practice preventive maintenance and to undertake corrections with alarm systems in order to avoid false alarms; and

**WHEREAS**, there is a significant cost to taxpayers in the form of police and fire department responses to multiple false alarms throughout the course of a given year; and

**WHEREAS**, it is necessary for the City to attempt to reduce the number of false alarms and to defray the costs associated with responding to false alarms; and

**WHEREAS**, it is appropriate that costs attributable to the use of alarm systems including false alarm response costs should be borne by the users and installers of such systems.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

Section 1. That Title IX: General Regulations of the City of Fort Wayne Code of Ordinance shall be amended to add a new Chapter which shall be designated Chapter 101 and titled "Private Emergency Alarm Systems."

Section 2. That the following is adopted as Chapter 101 - Private Emergency Alarm Systems under Title IX of the General Regulations of the Code of Ordinances.

**CHAPTER 101 PRIVATE EMERGENCY ALARM SYSTEMS**

**Section**

101.01	Definitions
101.02	Registration/Licenses
101.03	Installation of Alarm Systems
101.04	Issuance of Alarm System Permit
101.05	Automatic Telephone Dial Devices Prohibited
101.06	Audible Alarm
101.07	Validity of Alarms
101.08	False Alarm penalties and Enforcement
101.09	Effective Date

**DEFINITIONS**

A. Alarm Agent. The term "Alarm Agent" means any person who is employed by an "Alarm Company" either directly or indirectly, whose duties include selling, maintaining, leasing, servicing, repairing, altering, replacing, moving, monitoring or installing on or in any building, structure, facility or grounds any "Alarm System."

B. Alarm System. The term "Alarm System" means an assembly of equipment and devices arranged to signal the presence of a hazard requiring attention and to which police or fire department personnel are expected to respond. Alarm Systems include those through which public safety personnel are notified directly of such signals through automatic recording devices or are notified indirectly by way of third persons who monitor the Alarm Systems and who report such signals to the Communications Department. Alarm Systems also include those designed to register a signal which is audible, visible or in other ways perceptible outside a protected building, structure or facility as to notify persons in the neighborhood beyond the zoning lot where the signal is located who in turn may notify the appropriate emergency provider of the signal. Alarm Systems do not include auxiliary devices installed by telephone companies to protect telephone equipment or systems which might be damaged or disrupted by the use of an Alarm System. The term "Alarm System" shall include the terms "Automatic" or "Manual Hold Up Alarm System," "Burglar Alarm Systems," "Security Alarm Systems," and "Automatic" or "Manual Fire Alarm Systems."

This definition does not include audible alarms fixed to automobiles or other vehicles; or smoke detectors for Dwellings which are not connected to a monitoring agency.

C. Alarm Company means any person or entity whether an individual, partnership, corporation, or other entity selling, leasing, maintaining, servicing, repairing, altering, replacing, removing, monitoring or installing any Alarm System or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, removed, or installed any Alarm System in or any building, structure or facility.

D. Alarm User means any person, firm, partnership, association, corporation, company, or other entity or organization of any kind having ownership or control (as a tenant, owner or otherwise) of any Dwelling or Commercial Building, structure, or facility where an Alarm System is maintained or activated.

E. Audible Alarm. A device designed for the detection of a condition that would result in a public safety response on the premises, which generates an audible sound on the premises when it is activated.

- 1 F. Controller. "Controller" shall mean the Controller of the City of Fort Wayne  
2 whose address for the purposes of this Chapter shall be Civil City Accounting  
3 Room 420, One East Main Street, Fort Wayne, IN 46802 and whose phone  
4 number for the purposes of obtaining information concerning this Chapter  
5 shall be (219) 427-1104.
- 6 G. Automatic Telephone Dialing Device. A device which is interconnected to an  
7 alarm system which automatically sends a pre-recorded message or coded  
8 signal to a law enforcement agency indicating the activation of the alarm  
9 system or a device which is interconnected to telephone lines and is  
10 programmed to select a pre-determined number and transmit by voice  
11 message or code signal and emergency message indicating a need for  
12 emergency response.
- 13 H. Dwelling. A building or portion therefore used primarily as a place of abode  
14 for one or more human beings, but not including hotels, lodging or boarding  
15 houses or tourist homes.
- 16 I. Dwelling - One Family. A building used for occupancy by one family.
- 17 J. Dwelling - Two Family. A building used for occupancy by two families living  
18 independently of each other.
- 19 K. Dwelling - Three Family. A building used for occupancy by three families  
20 living independently of each other.
- 21 L. Dwelling Unit. A Dwelling or a portion of a Dwelling or of an apartment or  
22 hotel used by one family for cooking, living, and sleeping purposes.
- 23 M. Dwelling - Multi-Family. A building or portion thereof used for occupancy  
24 by four or more families living independently of each other.
- 25 N. Commercial Building. A commercial building is any building or portion  
26 thereof which is not a One, Two, Three, or Multi-Family Dwelling.
- 27 O. False Alarm. The term "False Alarm" means the activation of an Alarm  
28 System through mechanical failure, malfunction, improper installation, or as  
29 a result of the negligence, misuse or misconduct of an Alarm User or Alarm  
Company of an Alarm System or of the agents, employees or representatives  
of an Alarm User or Alarm Company. This does not include alarms caused  
by severe weather, natural or man-made disaster, power or telephone service  
outages, authorized Alarm testing, for which prior notification to the  
Communications Center has been made or malicious acts of person or persons  
not under the direct control of the owner, lessee, or his employees or agents.



1 P. License. The term "License" means an authorization of the City of Fort  
2 Wayne to allow an Alarm Company to install or maintain an Alarm System  
3 within the City of Fort Wayne which is commercially monitored or which is  
electronically connected to the Communications Center of the City of Fort  
Wayne or an Alarm System which when activated would result in a Police or  
Fire Department response.

4 Q. Local Alarm System. Means a signal system which when activated causes an  
5 audible and/or visible signaling device to be activated only in or on the  
6 premises in which the Alarm System is installed, operated or maintained.

7 R. Monitored Alarm System. Means an Alarm System using a digital alarm  
8 communication system or supervised dedicated circuits transmit alarm,  
9 supervisory and trouble signals from one or more protected premises to a  
remote location at which appropriate action is taken.

10 § 101.02 **REGISTRATION/LICENSES**

11 A. Alarm User's Registration. All Alarm Users, within thirty (30) days of the  
12 installation of an Alarm System for all Multi-Family Dwellings and  
13 Commercial Buildings where Alarm Systems are installed shall register with  
14 the Controller any such Alarm System according to the provisions set out  
herein. Said initial registration shall be completed as more specifically set  
out in Section 3 herein. (101.02A3)

15 1. The Registration shall be on a form prescribed by the Controller and shall  
16 include the following information:

17 a. Name, telephone number, and address of the Alarm User,  
18 including the name of an individual with authority to bind the  
19 Alarm User and who has information pertinent to the Alarm  
20 System.

21 b. Address and telephone number at which the Alarm System is  
22 located, including the name of an individual with authority to  
23 bind the Alarm User and who has information pertinent to the  
Alarm System.

24 c. Alarm Systems service (Police, Fire, other).

25 d. Alarm System type (commercial monitoring, audible, silent,  
26 direct connection, other).

- 1 e. Names, addresses and telephone numbers of at least two (2)  
2 people who shall be contacted and who shall respond in the  
3 event of an alarm activation.  
4 f. The name, address and telephone number of the Alarm  
5 Company.  
6 g. Any other additional information requested on registration  
7 forms provided by the Controller.

8 2. Registrations by Alarm Users must be completed for each individual  
9 structure where an Alarm System is in operation in a Multi-Family  
10 Dwelling, or a Commercial Building. Registration shall be completed by  
11 Alarm Users for each individual business within a single structure where  
12 an Alarm System is installed and in operation.

13 3. There shall be no registration fee for Alarm Users otherwise required to  
14 register an Alarm System except as noted herein. ~~If an Alarm User fails~~  
15 ~~to register as required herein, then, upon the occurrence of a third false~~  
16 ~~alarm for a particular Alarm System within the same calendar year, the~~  
17 ~~Alarm User will be required to pay a Fifty Dollar (\$50.00) registration fee~~  
18 ~~to the Controller's Office. This registration fee shall be in addition to the~~  
19 ~~penalty for failure to register as designated in 101.02A(7) of this~~  
20 ~~Ordinance. Once an Alarm User has incurred a Fifty Dollar (\$50.00)~~  
21 ~~registration fee for failure to register and for incurring a third false alarm~~  
22 ~~in any calendar year, then in all subsequent years in which an Alarm User~~  
23 ~~for a particular Alarm System has incurred three (3) or more false alarms,~~  
24 ~~said Alarm User shall be required to pay a Fifty Dollar (\$50.00)~~  
25 ~~registration fee in addition to any other fines or penalties required under~~  
26 ~~this Ordinance.~~

27 4. The Controller shall send a copy of the registration form to the Ordinance  
28 Violations Bureau and the Director of Communications, for the City of  
29 Fort Wayne (hereinafter "Director of Communications").

30 5. It is a violation of this Ordinance for any Alarm User who is otherwise  
31 required to register an Alarm System, to knowingly maintain or use an  
32 Alarm System without completing and submitting the registration form  
33 and the registration fee as required in this Ordinance.

34 6. An Alarm User is required to notify the Controller of a change of  
35 registration information within thirty (30) days of the time when the  
36 change of information has occurred.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
7. **Penalty for violation of this section:** An Alarm User or other person or entity violating any provision of this Section (Section 101.02A) shall be subject to a fine of not less than \$50.00 nor more than the maximum fine allowed by law. If said violation is failure to register pursuant to this Section, then said violator shall be fined for each twelve (12) month period in which they fail to register unless registration is completed within ten (10) days after receiving notification of the failure to register by the Controller, provided that prior notification has not been given.
  8. Registration completed pursuant to this article shall be personal to the Alarm User who completes registration for a specific location and is not transferable.
  9. Any fees collected as a result of registration or licensing or as a result of penalties for violation of this Section (Section 101.02A) shall be deposited into the General Fund of the City of Fort Wayne.

B. Alarm Company - Licenses

1. All Alarm Companies shall obtain from the Controller a License which authorizes the Alarm Company to install Alarm Systems.
2. The initial registration fee for a License shall be Two Hundred Fifty and No/100 Dollars (\$250.00) and shall be valid for one year. There shall be an annual renewal fee for the License of One Hundred and No/100 Dollars (\$100.00). The annual Renewal Date and the date upon which the annual Renewal Fee is due shall be July 1 of each year regardless of when the Alarm Company originally registered. By June 1, the Controller's Office shall send a letter to all Alarm Companies notifying them that the Renewal Fee is due. The original license fee and renewal license fee being charged shall be used in part to help defray expenses for mailings, notices, registrations forms and other costs associated with the administration of the licensing. Payment of all License fees and renewals shall be submitted to the Controller be made payable to the City of Fort Wayne and be deposited into the General Fund of the City of Fort Wayne.
3. Application for License. All applications for a License required by this Article shall be made on forms designated by the Controller and shall include the following information:
  - a. The full name and address of the Alarm Company.
  - b. The full name, business address and home address of the manager or person to be contacted at the Alarm Company.



1 c. A telephone number at which the Fort Wayne Police  
2 Department or Fort Wayne Fire Department or Allen County  
3 Sheriff's Department can notify personnel of the Alarm  
4 Company of a need for assistance at any time.

5 d. The names and addresses of all Alarm Agents employed by the  
6 Alarm Company.

7 An Alarm Company shall promptly notify the Controller in writing of any  
8 change in the information contained in the registration form.

9 4. It is a violation of this ordinance for any Alarm Company who is  
10 otherwise required to obtain a License, to knowingly install an Alarm  
11 System without obtaining such a License.

12 5. Penalty for violation of this section: An Alarm Company or other person  
13 or entity violating this section (101.02B) shall be guilty of an infraction  
14 and subject to a minimum fine of \$200.00 for each offense and up to the  
15 maximum fine allowed by law.

16 6. An Alarm Company's License shall be personal to the holder and is not  
17 transferable.

18 §101.03

#### 19 **ISSUANCE OF PERMITS/LICENSES**

20 A. The Controller shall issue to an Alarm User who duly submits a  
21 registration form a permit or other document evidencing that registration  
22 has been completed. The Controller shall further issue to an Alarm  
23 Company a license upon the submission of an application and the  
24 appropriate fee in accordance with this Chapter. Upon the payment of the  
25 annual renewal fee for renewal of a license the Controller shall further  
26 issue a renewal license or other document evidencing that the annual  
27 license fee has been duly and timely paid by the Alarm Company. The  
28 Controller shall be entitled to withhold the issuance of a permit to an  
29 Alarm User or a license to an Alarm Company if the Controller finds or  
believes that any statement made in a registration or an application is  
incomplete or false.

B. Immediately after receipt of a registration form duly completed from an  
Alarm User or an application for license duly completed from an Alarm  
Company and payment of any fee required, and upon the receipt of  
renewal fees (when required) and notices of change of information  
regarding registration or licenses, the Controller shall forward the  
registration or application to the Director of Communications for the City  
of Fort Wayne and the Ordinance Violations Bureau. All information on  
such registration or application shall be protected as confidential

information; provided, however, nothing in this Chapter shall prohibit the use of such information for legitimate law enforcement purposes and for enforcement of this Chapter.

§101.04

#### **AUTOMATIC TELEPHONE DIAL DEVICES PROHIBITED**

- A. It shall be unlawful for any Alarm Company or other person or entity to sell, offer for sale, install, maintain, lease, operate or assist in the operation of an Alarm System containing an Automatic Telephone Dialing Device over any telephone lines exclusively used by the public directly to request emergency service from the Fort Wayne Police Department, the Fort Wayne Fire Department, or the Communications Department of the City of Fort Wayne.
- B. The Fort Wayne Police Chief, the Fort Wayne Fire Chief or the Chief of Communications, or their respective designees, upon receiving knowledge of an Alarm System containing an Automatic Telephone Dialing System installed or operated in violation of this Section (101.04) shall order in writing the owner, operator or lessee to disconnect and cease operation of such Alarm System within seventy-two (72) hours of receipt of the order.
- C. Any Alarm System containing an Automatic Telephone Dialing Device installed prior to the effective date of this ordinance shall be removed within thirty (30) days of the effective date of this Ordinance.
- D. **Penalty for violation of this ordinance:** Any Alarm User, Alarm Company or other person or entity violating this section shall be guilty of an infraction and subject to a minimum fine of \$200.00 for each offense and up to the maximum fine allowed by law. Said fine or penalty when collected shall be deposited into the general fund of the City of Fort Wayne.
- E. Notwithstanding the foregoing, nothing in this section is intended to prohibit the direct connection between the local banking institutions and the Fort Wayne Communications Department up to and including July 31, 1998, however, after July 31, 1998, the City of Fort Wayne will no longer monitor Alarm Systems for banking institutions and therefore Automatic Telephone Dialing Devices being used by banking institutions to connect directly to the Fort Wayne Communications Department or any City of Fort Wayne Department shall be prohibited.

**AUDIBLE ALARM**

A. All Alarm Users, Alarm Companies or other persons or entities who install or maintain any Alarm System with an audible alarm (except such system on a vehicle) shall conspicuously affix on the exterior of the protected building or structures:

1. The name and telephone number of the Alarm User or such other person or entity responsible for the control of the premises if it is a Local Alarm System, or
2. The name and phone number of the Alarm Company if it is a monitored Alarm System.

B. All Alarm Users, Alarm Companies or any other persons or entities who install or maintain any Alarm System with an Audible Alarm shall install and/or maintain said Alarm System in such a way that it automatically discontinues emitting an audible sound within fifteen (15) minutes after activation of the alarm and which will prevent the alarm from sounding again as a result of the same event that caused the original activation.

C. When Manual Fire Alarm Signaling Devices are installed and are not directly connected to the Fort Wayne Fire Department or monitored by a 24 hour security service, a permanent sign shall be installed at each actuating device. These signs shall read as follows:

**IN CASE OF FIRE**

1. Pull this alarm
2. Telephone the Fire Department 9-1-1

D. **Penalty for violation of this section:** All Alarm Users, Alarm Companies or other persons or entities violating this Section (101.05) shall be subject to a fine of \$50.00 for each action or omission which constitutes a violation of this Section. Said fine or penalty when collected shall be deposited into the general fund of the City of Fort Wayne.

**VALIDITY OF ALARMS**

A. Whenever an Alarm System is activated in the City of Fort Wayne which results in a response to the premises by the Police or Fire Department, the officer on the scene of the activated Alarm System shall inspect the area protected by the Alarm System and shall determine whether a public safety response was required or if it was a False Alarm.



1 B. If the Officer at the scene of the activated Alarm System determines the  
2 alarm to be false, the officer shall make a report of the False Alarm, notice  
3 of which shall be sent to the Alarm User at the address of the Alarm User,  
4 or at least the last known address of the Alarm User, if different from the  
5 premises address, or to the address and the attention of the person or  
6 entity designated by the Alarm User as its agent for notification. A copy  
7 of the report shall be sent to the Ordinance Violations Bureau who shall  
8 track the number of False Alarms.

9 C. The Police Chief or the Fire Chief of the City of Fort Wayne, or his  
10 designee, shall have the right to inspect the premises to which a response  
11 has been made and may cause such inspection to be made at any  
12 reasonable time after the occurrence of a False Alarm.

13 101.07

### FALSE ALARM PENALTIES AND ENFORCEMENT

14 A. Whenever an Alarm User issues, causes to be issued, or permits the  
15 issuance of a False Alarm, this Section (101.07) shall apply; provided,  
16 however, this section shall not apply to a mentally incapacitated person  
17 utilizing Alarm Systems in a Dwelling or Dwelling Unit.

18 B. An Alarm User shall be assessed a \$50.00 penalty for each False Alarm  
19 recorded within any calendar year by the Ordinance Violations Bureau  
20 after the occurrence of the second (2nd) False Alarm requiring Police  
21 Department response. Said Fifty Dollar (\$50.00) penalty shall be paid by  
22 the Alarm User to the City of Fort Wayne Ordinance Violation Bureau  
23 who shall deposit the funds in the General Fund of the Fort Wayne Police  
24 Department.

25 C. An Alarm User shall be assessed a Fifty Dollars (\$50.00) penalty for each  
26 False Alarm recorded within any calendar year by the Ordinance  
27 Violations Bureau after the occurrence of the second (2nd) False Alarm  
28 requiring City of Fort Wayne Fire Department response. Said Fifty  
29 Dollars (\$50.00) penalty shall be paid by the Alarm User to the City of  
Fort Wayne Ordinance Violation Bureau who shall deposit the funds in  
the General Fund of the Fort Wayne Fire Department.

D. Any Alarm User required to register and who fails to register or otherwise  
comply with Section 101.02 of this Ordinance and who causes to be  
issued, or permits the issuance of a False Alarm shall be assessed a \$50.00  
penalty for each False Alarm recorded by the Ordinance Violations  
Bureau. If said ~~fine~~ <sup>penalty</sup> is not paid within thirty (30) days of its due date,  
~~there will be a late fee in addition to the fine of \$25.00.~~ Any penalties  
and any late fees due under this Section 101.07 shall be paid by the Alarm  
User to the City of Fort Wayne Ordinance Violations Bureau who shall  
deposit the funds in the General Fund of the Fort Wayne Police

Department or the Fort Wayne Fire Department depending on which department responded to the False Alarm.

E. Enforcing Authority. The authority for enforcing this Chapter shall be with the Fort Wayne Police Department, Fort Wayne Fire Department, the Controller and the Ordinance Violation Bureau.

F. Any Alarm Company, Alarm User, or any other individual or company affected by and subject to a fine under this Ordinance shall have the right to appeal the fines and penalties which right to appeal shall be governed by and handled in accordance with the procedures established by the Ordinance Violations Bureau.

§101.08

#### **EFFECTIVE DATE**

1. The effective date of this Ordinance shall be the later of November 1, 1997 or the date of its passage, any and all necessary approval by the Mayor of the City of Fort Wayne, and any publication or other notices required under Indiana law.
2. All Alarm Users required to register under this Chapter who have Alarm Systems installed on or before the effective date of this Ordinance, shall register pursuant to Section 101.02 of this Chapter not later than February 1, 1998. All Alarm Users required to register under this Chapter and installing and activating Alarm Systems on or after the effective date of this Ordinance, shall be required to register pursuant to this Chapter within the time parameters specified herein.
3. All Alarm Companies required to obtain Licenses under this Chapter shall obtain said License on the later of November 1, 1997 or sixty (60) days after the effective date of this Ordinance to obtain its License.

Section 3. This Ordinance shall be in full force and effect on the later to occur of July 1, 1997, or the date of its passage and any and all necessary approval by the Mayor of the City of Fort Wayne, and any publication or other notices required under Indiana law.

---

Council Member

**APPROVED AS TO FORM AND LEGALITY**

---

Joseph G. Bonahoom, Attorney for City Council

Penalty of \$50.00 after 3rd alarm

{ 2 - free fire dept  
2 - free police dept

Upon 3rd false alarm - a penalty  
of \$50.00 - \$25 late fee  
after 30 days -

Fire ~~and~~ <sup>dept</sup> will issue a "Miss Report"  
Police

No Reg. fee initially -

\$50 fee for failure to register - will have  
10 days in which to pay -

After 3 false alarms -



Read the first time in full and on motion by Thy Lurch,  
and duly adopted, read the second time by title and referred to the Committee on  
Regulations, (and the City Plan Commission for recommendation)  
and Public Hearing to be held after due legal notice, at the Common Council Conference  
Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_,  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_  
o'clock \_\_\_\_\_ M., E.S.T.

DATED: 6-24-97

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_,  
and duly adopted, placed on its passage. PASSED  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>			<u>3</u>
BENDER	<u>✓</u>			
CRAWFORD				<u>✓</u>
EDMONDS				<u>✓</u>
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY				<u>✓</u>
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 8-12-97

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,  
as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL)

(ZONING) ORDINANCE RESOLUTION NO. B-09-97

on the 12th day of August, 19 97

Sandra E. Kennedy ATTEST. Thomas P. Helmke  
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the  
13th day of August, 19 97,  
at the hour of 3:00 o'clock \_\_\_\_\_ M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 23rd day  
of August, 19 97, at the hour of 3:00  
o'clock \_\_\_\_\_ M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR

*Hold till*  
*7-22-97*  
*8-5*

BILL NO. G-97-06-07 *(as amended)*  
*5 times*

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS E. HAYHURST - REBECCA J. RAVINE - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO  
WHOM WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) Creating Chapter  
101 to be included in Title IX: General Regulations of the City of  
Fort Wayne Code of Ordinances

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<i>Rebecca Ravine</i>			
<i>Deedre Hall</i>			
<i>[Signature]</i>			
<i>[Signature]</i>			<i>T. Hayhurst</i>
<i>[Signature]</i>			
<i>[Signature]</i>			

DATED: *8-12-97*

Sandra E. Kennedy  
City Clerk

LEGAL NOTICE

Notice is hereby given that on the 12th day of  
August, 19 97, the Common Council of the City  
of Fort Wayne, Indiana, in a Regular Session did pass  
the following Bill No. G-97-06-07 (as amended) (as amended) (as amended)  
(as amended) (as amended) General Ordinance  
Ordinance No. G-09-97 to-wit:

**BILL NO. G-97-06-07 (As Amended) (as amended)(as amended)(as amended)(as amended)**  
**GENERAL ORDINANCE NO. G-09-97**

**AN ORDINANCE CREATING CHAPTER 101 TO BE INCLUDED  
IN TITLE IX: GENERAL REGULATIONS OF THE  
CITY OF FORT WAYNE CODE OF ORDINANCES**

**WHEREAS**, the Common Council of the City of Fort Wayne is attempting to encourage homeowners, business owners, and installers of alarm systems to practice preventive maintenance and to undertake corrections with alarm systems in order to avoid false alarms; and

**WHEREAS**, there is a significant cost to taxpayers in the form of police and fire department responses to multiple false alarms throughout the course of a given year; and

**WHEREAS**, it is necessary for the City to attempt to reduce the number of false alarms and to defray the costs associated with responding to false alarms; and

**WHEREAS**, it is appropriate that costs attributable to the use of alarm systems including false alarm response costs should be borne by the users and installers of such systems.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

Section 1. That Title IX: General Regulations of the City of Fort Wayne Code of Ordinance shall be amended to add a new Chapter which shall be designated Chapter 101 and titled "Private Emergency Alarm Systems."

Section 2. That the following is adopted as Chapter 101 - Private Emergency Alarm Systems under Title IX of the General Regulations of the Code of Ordinances.

**CHAPTER 101 PRIVATE EMERGENCY ALARM SYSTEMS**

**Section**

- 101.01 Definitions
- 101.02 Registration/Licenses
- 101.03 Installation of Alarm Systems
- 101.04 Issuance of Alarm System Permit
- 101.05 Automatic Telephone Dial Devices Prohibited



1 A. Alarm Agent. The term "Alarm Agent" means any person who is employed  
2 by an "Alarm Company" either directly or indirectly, whose duties include  
3 selling, maintaining, leasing, servicing, repairing, altering, replacing, moving,  
4 monitoring or installing on or in any building, structure, facility or grounds  
5 any "Alarm System."

6 B. Alarm System. The term "Alarm System" means an assembly of equipment  
7 and devices arranged to signal the presence of a hazard requiring attention  
8 and to which police or fire department personnel are expected to respond.  
9 Alarm Systems include those through which public safety personnel are  
10 notified directly of such signals through automatic recording devices or are  
11 notified indirectly by way of third persons who monitor the Alarm Systems  
12 and who report such signals to the Communications Department. Alarm  
13 Systems also include those designed to register a signal which is audible,  
14 visible or in other ways perceptible outside a protected building, structure or  
15 facility as to notify persons in the neighborhood beyond the zoning lot where  
16 the signal is located who in turn may notify the appropriate emergency  
17 provider of the signal. Alarm Systems do not include auxiliary devices  
18 installed by telephone companies to protect telephone equipment or systems  
19 which might be damaged or disrupted by the use of an Alarm System. The  
20 term "Alarm System" shall include the terms "Automatic" or "Manual Hold  
21 Up Alarm System," "Burglar Alarm Systems," "Security Alarm Systems,"  
22 and "Automatic" or "Manual Fire Alarm Systems."

23 This definition does not include audible alarms fixed to automobiles or other  
24 vehicles; or smoke detectors for Dwellings which are not connected to a  
25 monitoring agency.

26 C. Alarm Company means any person or entity whether an individual,  
27 partnership, corporation, or other entity selling, leasing, maintaining,  
28 servicing, repairing, altering, replacing, removing, monitoring or installing  
29 any Alarm System or causing to be sold, leased, maintained, serviced,  
30 repaired, altered, replaced, removed, or installed any Alarm System in or any  
31 building, structure or facility.

32 D. Alarm User means any person, firm, partnership, association, corporation,  
33 company, or other entity or organization of any kind having ownership or  
34 control (as a tenant, owner or otherwise) of any Dwelling or Commercial  
35 Building, structure, or facility where an Alarm System is maintained or  
36 activated.

37 E. Audible Alarm. A device designed for the detection of a condition that  
38 would result in a public safety response on the premises, which generates an  
39 audible sound on the premises when it is activated.

40 F. Controller. "Controller" shall mean the Controller of the City of Fort Wayne

1 whose address for the purposes of this Chapter shall be Civil City Accounting  
2 Room 420, One East Main Street, Fort Wayne, IN 46802 and whose phone  
3 number for the purposes of obtaining information concerning this Chapter  
4 shall be (219) 427-1104.

- 5 G. Automatic Telephone Dialing Device. A device which is interconnected to  
6 an alarm system which automatically sends a pre-recorded message or coded  
7 signal to a law enforcement agency indicating the activation of the alarm  
8 system or a device which is interconnected to telephone lines and is  
9 programmed to select a pre-determined number and transmit by voice  
10 message or code signal and emergency message indicating a need for  
11 emergency response.
- 12 H. Dwelling. A building or portion therefore used primarily as a place of abode  
13 for one or more human beings, but not including hotels, lodging or boarding  
14 houses or tourist homes.
- 15 I. Dwelling - One Family. A building used for occupancy by one family.
- 16 J. Dwelling - Two Family. A building used for occupancy by two families  
17 living independently of each other.
- 18 K. Dwelling - Three Family. A building used for occupancy by three families  
19 living independently of each other.
- 20 L. Dwelling Unit. A Dwelling or a portion of a Dwelling or of an apartment or  
21 hotel used by one family for cooking, living, and sleeping purposes.
- 22 M. Dwelling - Multi-Family. A building or portion thereof used for occupancy  
23 by four or more families living independently of each other.
- 24 N. Commercial Building. A commercial building is any building or portion  
25 thereof which is not a One, Two, Three, or Multi-Family Dwelling.
- 26 O. False Alarm. The term "False Alarm" means the activation of an Alarm  
27 System through mechanical failure, malfunction, improper installation, or as  
28 a result of the negligence, misuse or misconduct of an Alarm User or Alarm  
29 Company of an Alarm System or of the agents, employees or representatives  
of an Alarm User or Alarm Company. This does not include alarms caused  
by severe weather, natural or man-made disaster, power or telephone service  
outages, authorized Alarm testing, for which prior notification to the  
Communications Center has been made or malicious acts of person or  
persons not under the direct control of the owner, lessee, or his employees or  
agents.

1 P. License. The term "License" means an authorization of the City of Fort  
2 Wayne to allow an Alarm Company to install or maintain an Alarm System  
3 within the City of Fort Wayne which is commercially monitored or which is  
4 electronically connected to the Communications Center of the City of Fort  
Wayne or an Alarm System which when activated would result in a Police or  
Fire Department response.

5 Q. Local Alarm System. Means a signal system which when activated causes an  
6 audible and/or visible signaling device to be activated only in or on the  
premises in which the Alarm System is installed, operated or maintained.

7 R. Monitored Alarm System. Means an Alarm System using a digital alarm  
8 communication system or supervised dedicated circuits transmit alarm,  
9 supervisory and trouble signals from one or more protected premises to a  
remote location at which appropriate action is taken.

10 § 101.02 **REGISTRATION/LICENSES**

11 A. Alarm User's Registration. All Alarm Users, within thirty (30) days of the  
12 installation of an Alarm System for all Multi-Family Dwellings and  
13 Commercial Buildings where Alarm Systems are installed shall register with  
14 the Controller any such Alarm System according to the provisions set out  
herein. Said initial registration shall be completed as more specifically set  
out in Section 3 herein. (101.02A3)

15 1. The Registration shall be on a form prescribed by the Controller and shall  
16 include the following information:

17  
18 a. Name, telephone number, and address of the Alarm User,  
19 including the name of an individual with authority to bind the  
20 Alarm User and who has information pertinent to the Alarm  
System.

21 b. Address and telephone number at which the Alarm System is  
22 located, including the name of an individual with authority to  
23 bind the Alarm User and who has information pertinent to the  
Alarm System.

24 c. Alarm Systems service (Police, Fire, other).

25 d. Alarm System type (commercial monitoring, audible, silent,  
26 direct connection, other).



1 e. Names, addresses and telephone numbers of at least two (2)  
2 people who shall be contacted and who shall respond in the  
3 event of an alarm activation.

4 f. The name, address and telephone number of the Alarm  
5 Company.

6 g. Any other additional information requested on registration  
7 forms provided by the Controller.

8 2. Registrations by Alarm Users must be completed for each individual  
9 structure where an Alarm System is in operation in a Multi-Family  
10 Dwelling, or a Commercial Building. Registration shall be completed by  
11 Alarm Users for each individual business within a single structure where  
12 an Alarm System is installed and in operation.

13 3. There shall be no registration fee for Alarm Users otherwise required to  
14 register an Alarm System except as noted herein. Upon the occurrence  
15 of a third false alarm for a particular Alarm System within the same  
16 calendar year, the Alarm User will be required to pay a Fifty Dollar  
17 (\$50.00) registration fee to the Controller's Office. This registration fee  
18 shall be in addition to the penalty for failure to register as designated in  
19 101.02A(7) of this Ordinance.

20 4. The Controller shall send a copy of the registration form to the Ordinance  
21 Violations Bureau and the Director of Communications, for the City of  
22 Fort Wayne (hereinafter "Director of Communications").

23 5. It is a violation of this Ordinance for any Alarm User who is otherwise  
24 required to register an Alarm System, to knowingly maintain or use an  
25 Alarm System without completing and submitting the registration form  
26 and the registration fee as required in this Ordinance.

27 6. An Alarm User is required to notify the Controller of a change of  
28 registration information within thirty (30) days of the time when the  
29 change of information has occurred.

- 1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29
7. **Penalty for violation of this section:** An Alarm User or other person or entity violating any provision of this Section (Section 101.02A) shall be subject to a fine of not less than \$50.00 nor more than the maximum fine allowed by law. If said violation is failure to register pursuant to this Section, then said violator shall be fined for each twelve (12) month period in which they fail to register unless registration is completed within ten (10) days after receiving notification of the failure to register by the Controller, provided that prior notification has not been given.
  8. Registration completed pursuant to this article shall be personal to the Alarm User who completes registration for a specific location and is not transferable.
  9. Any fees collected as a result of registration or licensing or as a result of penalties for violation of this Section (Section 101.02A) shall be deposited into the General Fund of the City of Fort Wayne.

B. Alarm Company - Licenses

1. All Alarm Companies shall obtain from the Controller a License which authorizes the Alarm Company to install Alarm Systems.
2. The initial registration fee for a License shall be Two Hundred Fifty and No/100 Dollars (\$250.00) and shall be valid for one year. There shall be an annual renewal fee for the License of One Hundred and No/100 Dollars (\$100.00). The annual Renewal Date and the date upon which the annual Renewal Fee is due shall be July 1 of each year regardless of when the Alarm Company originally registered. By June 1, the Controller's Office shall send a letter to all Alarm Companies notifying them that the Renewal Fee is due. The original license fee and renewal license fee being charged shall be used in part to help defray expenses for mailings, notices, registrations forms and other costs associated with the administration of the licensing. Payment of all License fees and renewals shall be submitted to the Controller be made payable to the City of Fort Wayne and be deposited into the General Fund of the City of Fort Wayne.
3. Application for License. All applications for a License required by this Article shall be made on forms designated by the Controller and shall include the following information:
  - a. The full name and address of the Alarm Company.
  - b. The full name, business address and home address of the manager or person to be contacted at the Alarm Company.

1 c. A telephone number at which the Fort Wayne Police  
2 Department or Fort Wayne Fire Department or Allen County  
3 Sheriff's Department can notify personnel of the Alarm  
4 Company of a need for assistance at any time.

5 d. The names and addresses of all Alarm Agents employed by  
6 the Alarm Company.

7 An Alarm Company shall promptly notify the Controller in writing of any  
8 change in the information contained in the registration form.

9 4. It is a violation of this ordinance for any Alarm Company who is  
10 otherwise required to obtain a License, to knowingly install an Alarm  
11 System without obtaining such a License.

12 5. Penalty for violation of this section: An Alarm Company or other person  
13 or entity violating this section (101.02B) shall be guilty of an infraction  
14 and subject to a minimum fine of \$200.00 for each offense and up to the  
15 maximum fine allowed by law.

16 6. An Alarm Company's License shall be personal to the company holding  
17 the license and is not transferable.

18 §101.03

## 19 **ISSUANCE OF PERMITS/LICENSES**

20 A. The Controller shall issue to an Alarm User who duly submits a  
21 registration form a permit or other document evidencing that registration  
22 has been completed. The Controller shall further issue to an Alarm  
23 Company a license upon the submission of an application and the  
24 appropriate fee in accordance with this Chapter. Upon the payment of the  
25 annual renewal fee for renewal of a license the Controller shall further  
26 issue a renewal license or other document evidencing that the annual  
27 license fee has been duly and timely paid by the Alarm Company. The  
28 Controller shall be entitled to withhold the issuance of a permit to an  
29 Alarm User or a license to an Alarm Company if the Controller finds or  
believes that any statement made in a registration or an application is  
incomplete or false.

B. Immediately after receipt of a registration form duly completed from an  
Alarm User or an application for license duly completed from an Alarm  
Company and payment of any fee required, and upon the receipt of  
renewal fees (when required) and notices of change of information  
regarding registration or licenses, the Controller shall forward the  
registration or application to the Director of Communications for the City  
of Fort Wayne and the Ordinance Violations Bureau. All information on  
such registration or application shall be protected as confidential



information; provided, however, nothing in this Chapter shall prohibit the use of such information for legitimate law enforcement purposes and for enforcement of this Chapter.

§101.04

#### **AUTOMATIC TELEPHONE DIAL DEVICES PROHIBITED**

- A. It shall be unlawful or any Alarm Company or other person or entity to sell, offer for sale, install, maintain, lease, operate or assist in the operation of an Alarm System containing an Automatic Telephone Dialing Device over any telephone lines exclusively used by the public directly to request emergency service from the Fort Wayne Police Department, the Fort Wayne Fire Department, or the Communications Department of the City of Fort Wayne.
- B. The Fort Wayne Police Chief, the Fort Wayne Fire Chief or the Chief of Communications, or their respective designees, upon receiving knowledge of an Alarm System containing an Automatic Telephone Dialing System installed or operated in violation of this Section (101.04) shall order in writing the owner, operator or lessee to disconnect and cease operation of such Alarm System within seventy-two (72) hours of receipt of the order.
- C. Any Alarm System containing an Automatic Telephone Dialing Device installed prior to the effective date of this ordinance shall be removed within thirty (30) days of the effective date of this Ordinance.
- D. **Penalty for violation of this ordinance:** Any Alarm User, Alarm Company or other person or entity violating this section shall be guilty of an infraction and subject to a minimum fine of \$200.00 for each offense and up to the maximum fine allowed by law. Said fine or penalty when collected shall be deposited into the general fund of the City of Fort Wayne.
- E. Notwithstanding the foregoing, nothing in this section is intended to prohibit the direct connection between the local banking institutions and the Fort Wayne Communications Department up to and including July 31, 1998, however, after July 31, 1998, the City of Fort Wayne will no longer monitor Alarm Systems for banking institutions and therefore Automatic Telephone Dialing Devices or any device being used by banking institutions to connect directly to the Fort Wayne Communications Department or any City of Fort Wayne Department shall be prohibited.

§101.05

## AUDIBLE ALARM

A. All Alarm Users, Alarm Companies or other persons or entities who install or maintain any Alarm System with an audible alarm (except such system on a vehicle) shall conspicuously affix on the exterior of the protected building or structures:

1. The name and telephone number of the Alarm User or such other person or entity responsible for the control of the premises if it is a Local Alarm System, or
2. The name and phone number of the Alarm Company if it is a monitored Alarm System.

B. All Alarm Users, Alarm Companies or any other persons or entities who install or maintain any Alarm System with an Audible Alarm shall install and/or maintain said Alarm System in such a way that it automatically discontinues emitting an audible sound within fifteen (15) minutes after activation of the alarm and which will prevent the alarm from sounding again as a result of the same event that caused the original activation.

C. When Manual Fire Alarm Signaling Devices are installed and are not directly connected to the Fort Wayne Fire Department or monitored by a 24 hour security service, a permanent sign shall be installed at each actuating device. These signs shall read as follows:

### IN CASE OF FIRE

1. Pull this alarm
2. Telephone the Fire Department 9-1-1

D. **Penalty for violation of this section:** All Alarm Users, Alarm Companies or other persons or entities violating this Section (101.05) shall be subject to a fine of \$50.00 for each action or omission which constitutes a violation of this Section. Said fine or penalty when collected shall be deposited into the general fund of the City of Fort Wayne.

§101.06

## VALIDITY OF ALARMS

A. Whenever an Alarm System is activated in the City of Fort Wayne which results in a response to the premises by the Police or Fire Department, the officer on the scene of the activated Alarm System shall inspect the area protected by the Alarm System and shall determine whether a public safety response was required or if it was a False Alarm.

- 1 B. If the Officer at the scene of the activated Alarm System determines the  
2 alarm to be false, the officer shall make a report of the False Alarm,  
3 notice of which shall be sent to the Alarm User at the address of the  
4 Alarm User, or at least the last known address of the Alarm User, if  
5 different from the premises address, or to the address and the attention of  
6 the person or entity designated by the Alarm User as its agent for  
7 notification. A copy of the report shall be sent to the Ordinance  
8 Violations Bureau who shall track the number of False Alarms.
- 9 C. The Police Chief or the Fire Chief of the City of Fort Wayne, or his  
10 designee, shall have the right to inspect the premises to which a response  
11 has been made and may cause such inspection to be made at any  
12 reasonable time after the occurrence of a False Alarm.

101.07

### **FALSE ALARM PENALTIES AND ENFORCEMENT**

- 13 A. Whenever an Alarm User issues, causes to be issued, or permits the  
14 issuance of a False Alarm, this Section (101.07) shall apply; provided,  
15 however, this section shall not apply to a mentally incapacitated person  
16 utilizing Alarm Systems in a Dwelling or Dwelling Unit.
- 17 B. An Alarm User shall be assessed a \$50.00 penalty for each False Alarm  
18 recorded within any calendar year by the Ordinance Violations Bureau  
19 after the occurrence of the second (2nd) False Alarm requiring Police  
20 Department response. Said Fifty Dollar (\$50.00) penalty shall be paid by  
21 the Alarm User to the City of Fort Wayne Ordinance Violation Bureau  
22 who shall deposit the funds in the General Fund of the Fort Wayne Police  
23 Department.
- 24 C. An Alarm User shall be assessed a Fifty Dollars (\$50.00) penalty for  
25 each False Alarm recorded within any calendar year by the Ordinance  
26 Violations Bureau after the occurrence of the second (2nd) False Alarm  
27 requiring City of Fort Wayne Fire Department response. Said Fifty  
28 Dollars (\$50.00) penalty shall be paid by the Alarm User to the City of  
29 Fort Wayne Ordinance Violation Bureau who shall deposit the funds in  
the General Fund of the Fort Wayne Fire Department.
- D. Any Alarm User required to register and who fails to register or otherwise  
comply with Section 101.02 of this Ordinance and who causes to be  
issued, or permits the issuance of a False Alarm shall be assessed a  
\$50.00 penalty for each False Alarm recorded by the Ordinance  
Violations Bureau. If said fine is not paid within thirty (30) days of its  
due date, then in addition to said penalty there will be a late fee of \$25.00.  
Any penalties and any late fees due under this Section 101.07 shall be  
paid by the Alarm User to the City of Fort Wayne Ordinance Violations  
Bureau who shall deposit the funds in the General Fund of the Fort



Wayne Police Department or the Fort Wayne Fire Department depending on which department responded to the False Alarm.

E. Enforcing Authority. The authority for enforcing this Chapter shall be with the Fort Wayne Police Department, Fort Wayne Fire Department, the Controller and the Ordinance Violation Bureau.

F. Any Alarm Company, Alarm User, or any other individual or company affected by and subject to a fine under this Ordinance shall have the right to appeal the fines and penalties which right to appeal shall be governed by and handled in accordance with the procedures established by the Ordinance Violations Bureau.

§101.08

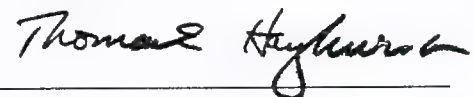
**EFFECTIVE DATE**

1. The effective date of this Ordinance shall be the later of November 1, 1997 or the date of its passage, any and all necessary approval by the Mayor of the City of Fort Wayne, and any publication or other notices required under Indiana law.

2. All Alarm Users required to register under this Chapter who have Alarm Systems installed on or before the effective date of this Ordinance, shall register pursuant to Section 101.02 of this Chapter not later than February 1, 1998 . All Alarm Users required to register under this Chapter and installing and activating Alarm Systems on or after the effective date of this Ordinance, shall be required to register pursuant to this Chapter within the time parameters specified herein.

3. All Alarm Companies required to obtain Licenses under this Chapter shall obtain said License on the later of November 1, 1997 or sixty (60) days after the effective date of this Ordinance to obtain its License.

Section 3. This Ordinance shall be in full force and effect on the later to occur of July 1, 1997, or the date of its passage and any and all necessary approval by the Mayor of the City of Fort Wayne, and any publication or other notices required under Indiana law.



Council Member

**APPROVED AS TO FORM AND LEGALITY**

Joseph G. Bonahoom, Attorney for City Council

Read the third time in full and on motion by Ravine, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six  
Bender, Hall, Hayhurst, Henry,  
Ravine, Schmidt

NAYS: None

ABSENT: Three  
Crawford, Edmonds, Lunsey

ABSTAINED: None

DATED: 8-12-97

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-09-97 on the 12th day of August, 1997

ATTEST: SEAL

Sandra E. Kennedy  
City Clerk

Thomas C. Henry  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1997, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 23rd day of August, 1997, at the hour of 3:00 o'clock P.M., E.S.T.

Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-09-97, passed by the Common Council on the 12th day of August, 1997, and that said Ordinance was duly signed and approved by the Mayor on the 23rd day of August, 1997, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 25th day of August, 1997.

SEAL

SANDRA E. KENNEDY, CITY CLERK



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221 • FAX 219-427-1371

SANDRA E. KENNEDY, CITY CLERK

August 27, 1997

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of August 30, 1997, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Legal Notice  
Bill No. G-97-06-07 (as amended)  
Five Times  
False Alarm

Legal Notice  
Bill No. G-97-06-12 (as amended)  
Schedule of Penalties

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 2



PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

685 lines, 1 columns wide equals 685 equivalent lines  
at 364 cents per line

\$ 249.34

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 250.34

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: AUG 30, 19 97

Title: Julie L Smith Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

ATTACH COPY  
OF ADVERTISEMENT  
HERE

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time , the dates of publication being as follows:

8-30-97

Julie L Smith

Subscribed and sworn to before me this 30th day of AUG, 19 97.

Mary L Schneider  
Notary Public  
MARY L SCHNEIDER  
NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY  
My commission expires: MY COMMISSION EXP JUNE 14, 2001

LOCAL NOTICE  
Notice is hereby given that on the 12th day of August, 1997, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-97-06-07 (as amended) (as amended) (as amended) ( as amended ) ( as amended ) General Ordinance Ordinance No. G-09-97 to-wit:

BILL NO. G-97-06-07 (As Amended) (as amended)(as amended)(as amended)  
GENERAL ORDINANCE NO. G-09-97

AN ORDINANCE CREATING CHAPTER 101 TO BE INCLUDED IN TITLE IX: GENERAL REGULATIONS OF THE CITY OF FORT WAYNE CODE OF ORDINANCES

WHEREAS, the Common Council of the City of Fort Wayne is attempting to encourage homeowners, business owners, and installers of alarm systems to practice preventive maintenance and to undertake corrections with alarm systems in order to avoid false alarms; and

WHEREAS, there is a significant cost to taxpayers in the form of police and fire department responses to multiple false alarms throughout the course of a given year; and

WHEREAS, it is necessary for the City to attempt to reduce the number of false alarms and to defray the costs associated with responding to false alarms; and  
WHEREAS, it is appropriate that costs attributable to the use of alarm systems including false alarm response costs, should be borne by the users and installers of such systems.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

Section 1. That Title IX: General Regulations of the City of Fort Wayne Code of Ordinance shall be amended to add a new Chapter which shall be designated Chapter 101 and titled "Private Emergency Alarm Systems."

Section 2: That the following is adopted as Chapter 101 - Private Emergency Alarm Systems under Title IX of the General Regulations of the Code of Ordinances.

CHAPTER 101 PRIVATE EMERGENCY ALARM SYSTEMS

Section

- 101.01 Definitions
- 101.02 Registration/Licenses
- 101.03 Installation of Alarm Systems
- 101.04 Issuance of Alarm System Permit
- 101.05 Automatic Telephone Dial Devices Prohibited
- 101.06 Audible Alarm
- 101.07 Validity of Alarms
- 101.08 False Alarm penalties and Enforcement
- 101.09 Effective Date

Sub Section 101.01 DEFINITIONS

A. Alarm Agent. The term "Alarm Agent" means any person who is employed by an "Alarm Company" either directly or indirectly, whose duties include selling, maintaining, leasing, servicing, repairing, altering, replacing, moving, monitoring or installing on or in any building, structure, facility or grounds any "Alarm System."

B. Alarm System. The term "Alarm System" means an assembly of equipment and devices arranged to signal the presence of a hazard requiring attention and to which police or fire department personnel are expected to respond.

Alarm Systems include those through which public safety personnel are notified directly of such signals through automatic recording devices or are notified indirectly by way of third persons who monitor the Alarm Systems and who report such signals to the Communications Department. Alarm Systems also include those designed to register a signal which is audible, visible or in other ways perceptible outside a protected building, structure or facility as to notify persons in the neighborhood beyond the zoning lot where the signal is located who in turn may notify the appropriate emergency provider of the signal. Alarm Systems do not include auxiliary devices installed by telephone companies to protect telephone equipment or systems which might be damaged or disrupted by the use of an Alarm System. The term "Alarm System" shall include the terms "Automatic" or "Manual Hold Up Alarm System," "Burglar Alarm Systems," "Security Alarm Systems," and "Automatic" or "Manual Fire Alarm Systems."

This definition does not include audible alarms fixed to automobiles or other vehicles; or smoke detectors for Dwellings which are not connected to a monitoring agency.

C. Alarm Company means any person or entity whether an individual, partnership, corporation, or other entity selling, leasing, maintaining, servicing, repairing, altering, replacing, removing, monitoring or installing any Alarm System or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, removed, or installed any Alarm System in or any building, structure or facility.

D. Alarm User means any person, firm, partnership, association, corporation, company, or other entity or organization of any kind having ownership or control (as a tenant, owner or otherwise) of any Dwelling or Commercial Building, structure, or facility where an Alarm System is maintained or activated.

E. Audible Alarm. A device designed for the detection of a condition that would result in a public safety response on the premises, which generates an audible sound on the premises when it is activated.

F. Controller. "Controller" shall mean the Controller of the City of Fort Wayne whose address for the purposes of this Chapter shall be Civil City Accounting Room 420, One East Main Street, Fort Wayne, IN 46802 and whose phone number for the purposes of obtaining information concerning this Chapter shall be (219) 427-1104.

G. Automatic Telephone Dialing Device. A device which is interconnected to an alarm system which automatically sends a pre-recorded message or coded signal to a law enforcement agency indicating the activation of the alarm system or a device which is interconnected to telephone lines and is programmed to select a pre-determined number and transmit by voice message or code signal and emergency message indicating a need for emergency response.

which when activated causes an audible alarm or visible signaling device to be activated only in or on the premises in which the Alarm System is installed, operated or maintained.

R. Monitored Alarm System. Means an Alarm System using a digital alarm communication system (supervised dedicated circuits transmit alarm, supervisory and trouble signals from one or more protected premises to a remote location at which appropriate action is taken.

Sub Section 101.02 REGISTRATION/LICENSES

A. Alarm User's Registration. All Alarm Users, within thirty (30) days of the installation of an Alarm System for all Multi-Family Dwellings and Commercial Buildings where Alarm Systems are installed shall register with the Controller any such Alarm System according to the provisions set out herein. Said initial registration shall be completed as more specifically set out in Section 3 herein. (101.02A3)

1. The Registration shall be on a form prescribed by the Controller and shall include the following information:

a. Name, telephone number, and address of the Alarm User, including the name of an individual with authority to bind the Alarm User and who has information pertinent to the Alarm System.

b. Address and telephone number at which the Alarm System is located, including the name of an individual with authority to bind the Alarm User and who has information pertinent to the Alarm System.

c. Alarm Systems service (Police, Fire, other).

d. Alarm System type (commercial monitoring, audible, silent, direct connection, other).

e. Names, addresses and telephone numbers of at least two (2) people who shall be contacted and who shall respond in the event of an alarm activation.

f. The name, address and telephone number of the Alarm Company.

g. Any other additional information requested on registration forms provided by the Controller.

2. Registrations by Alarm Users must be completed for each individual structure where an Alarm System is in operation in a Multi-Family Dwelling, or a Commercial Building. Registration shall be completed by Alarm Users for each individual business within a single structure where an Alarm System is installed and in operation.

3. There shall be no registration fee for Alarm Users otherwise required to register an Alarm System except as noted herein. Upon the occurrence of a third false alarm for a particular Alarm System within the same calendar year, the Alarm User will be required to pay a Fifty Dollar (\$50.00) registration fee to the Controller's Office. This registration fee shall be in addition to the penalty for failure to register as designated in 101.02A(7) of this Ordinance.

4. The Controller shall send a copy of the registration form to the Ordinance Violations Bureau and the Director of Communications, for the City of Fort Wayne (hereinafter "Director of Communications").

5. It is a violation of this Ordinance for any Alarm User who is otherwise required to register an Alarm System, to knowingly maintain or use an Alarm System without completing and submitting the registration form and the registration fee as required in this Ordinance.

6. An Alarm User is required to notify the Controller of a change of registration information within thirty (30) days of the time when the change of information has occurred.

7. Penalty for violation of this section: An Alarm User or other person or entity violating any provision of this Section (Section 101.02A) shall be subject to a fine of not less than \$50.00 nor more than the maximum fine allowed by law. If said violation is failure to register pursuant to this Section, then said violator shall be fined for each twelve (12) month period in which they fail to register unless registration is completed within ten (10) days after receiving notification of the failure to register by the Controller, provided that prior notification has not been given.

8. Registration completed pursuant to this article shall be personal to the Alarm User who completes registration for a specific location and is not transferable.

9. Any fees collected as a result of registration or licensing or as a result of penalties for violation of this Section (Section 101.02A) shall be deposited into the General Fund of the City of Fort Wayne.

B. Alarm Company - Licenses

1. All Alarm Companies shall obtain from the Controller a License which authorizes the Alarm Company to install Alarm Systems.

2. The initial registration fee for a License shall be Two Hundred Fifty and No/100 Dollars (\$250.00) and shall be valid for one year. There shall be an annual renewal fee for the License of One Hundred and No/100 Dollars (\$100.00). The annual Renewal Date and the date upon which the annual Renewal Fee is due shall be July 1 of each year regardless of when the Alarm Company originally registered. By June 1, the Controller's Office shall send a letter to all Alarm Companies notifying them that the Renewal Fee is due. The original license fee and renewal license fee being charged shall be used in part to help defray expenses for mailings, notices, registrations forms and other costs associated with the administration of the licensing. Payment of all License fees and renewals shall be submitted to the Controller be made payable to the City of Fort Wayne and be deposited into the General Fund of the City of Fort Wayne.

3. Application for License. All applications for a License required by this Article shall be made on forms designated by the Controller and shall include the following information:

a. The full name and address of the Alarm Company.

b. The full name, business address and home address of the manager or person to be contacted at the Alarm Company.

c. A telephone number at which the Fort Wayne Police Department or Fort Wayne Fire Department or Allen County Sheriffs Department can notify person



interconnected to telephone lines and is programmed to select a pre-determined number and transmit by voice message or code signal and emergency message indicating a need for emergency response.

H. Dwelling. A building or portion thereof used primarily as a place of abode for one or more human beings, but not including hotels, lodging or boarding houses or tourist homes.

I. Dwelling - One Family. A building used for occupancy by one family.

J. Dwelling - Two Family. A building used for occupancy by two families living independently of each other.

K. Dwelling - Three Family. A building used for occupancy by three families living independently of each other.

L. Dwelling Unit. A Dwelling or a portion of a Dwelling or of an apartment or hotel used by one family for cooking, living, and sleeping purposes.

M. Dwelling - Multi-Family. A building or portion thereof used for occupancy by four or more families living independently of each other.

N. Commercial Building. A commercial building is any building or portion thereof which is not a One, Two, Three, or Multi-Family Dwelling.

O. False Alarm. The term "False Alarm" means the activation of an Alarm System through mechanical failure, malfunction, improper installation, or as a result of the negligence, misuse or misconduct of an Alarm User or Alarm Company of an Alarm System or of the agents, employees or representatives of an Alarm User or Alarm Company. This does not include alarms caused by severe weather, natural or man-made disaster, power or telephone service outages, authorized Alarm testing, for which prior notification to the Communications Center has been made or malicious acts of person or persons not under the direct control of the owner, lessee, or his employees or agents.

P. License. The term "License" means an authorization of the City of Fort Wayne to allow an Alarm Company to install or maintain an Alarm System within the City of Fort Wayne which is commercially monitored or which is electronically connected to the Communications Center of the City of Fort Wayne or an Alarm System which when activated would result in a Police or Fire Department response.

Q. Local Alarm System. Means a signal system

dress of the manager or person to be contacted at the Alarm Company.

c. A telephone number at which the Fort Wayne Police Department or Fort Wayne Fire Department or Allen County Sheriffs Department can notify personnel of the Alarm Company of a need for assistance at any time.

d. The names and addresses of all Alarm Agents employed by the Alarm Company.

An Alarm Company shall promptly notify the Controller in writing of any change in the information contained in the registration form.

4. It is a violation of this ordinance for any Alarm Company who is otherwise required to obtain a License, to knowingly install an Alarm System without obtaining such a License.

5. Penalty for violation of this section: An Alarm Company or other person or entity violating this section (101.02B) shall be guilty of an infraction and subject to a minimum fine of \$200.00 for each offense and up to the maximum fine allowed by law.

6. An Alarm Company's License shall be personal to the company holding the license and is not transferable.

Sub Section 101.03 ISSUANCE OF PERMITS/LICENSES

A. The Controller shall issue to an Alarm User who duly submits a registration form a permit or other document evidencing that registration has been completed. The Controller shall further issue to an Alarm Company a license upon the submission of an application and the appropriate fee in accordance with this Chapter. Upon the payment of the annual renewal fee for renewal of a license the Controller shall further issue a renewal license or other document evidencing that the annual license fee has been duly and timely paid by the Alarm Company. The Controller shall be entitled to withhold the issuance of a permit to an Alarm User or a license to an Alarm Company if the Controller finds or believes that any statement made in a registration or an application is incomplete or false.

B. Immediately after receipt of a registration form duly completed from an Alarm User or an application for license duly completed from an Alarm Company and payment of any fee required, and upon the receipt of renewal fees (when required) and notices of change of information regarding registration or licenses, the Controller shall forward the registration







FW COMMON COUNCIL  
(Governmental Unit)To: The News-Sentinel Dr.  
P.O. Box 100  
Fort Wayne, IN

ALLEN County, Indiana

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

## COMPUTATION OF CHARGES

685 lines, 1 columns wide equals 685 equivalent lines  
at .364 cents per line\$ 249.34Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 250.34

## DATA FOR COMPUTING COST

Width of single column 12.5 emsNumber of insertions 1Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: AUG 30, 19 97Title: *Julie L Smith* Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

ATTACH COPY  
OF ADVERTISEMENT  
HEREPersonally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:8-30-97Subscribed and sworn to before me this 30th day of AUG, 19 97.

My commission expires:

*Mary L Schneider*  
NOTARY PUBLIC  
MARY L SCHNEIDER  
NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY  
MY COMMISSION EXP JUNE 14, 2001



Notice is hereby given that on the 12th day of August, 1997, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-97-06-07 (as amended) (as amended) General Ordinance Ordinance No. G-97-06-07 to wit:

**BILL NO. G-97-06-07 (As Amended) (as amended)(as amended)(as amended)**  
**GENERAL ORDINANCE NO. G-97-06-07**  
**AN ORDINANCE CREATING CHAPTER 101 TO BE INCLUDED IN TITLE IX: GENERAL REGULATIONS OF THE CITY OF FORT WAYNE CODE OF ORDINANCES**

WHEREAS, the Common Council of the City of Fort Wayne is attempting to encourage homeowners, business owners, and installers of alarm systems to practice preventive maintenance and to undertake corrections with alarm systems in order to avoid false alarms; and

WHEREAS, there is a significant cost to taxpayers in the form of police and fire department responses to multiple false alarms throughout the course of a given year; and

WHEREAS, it is necessary for the City to attempt to reduce the number of false alarms and to defray the costs associated with responding to false alarms; and

WHEREAS, it is appropriate that costs attributable to the use of alarm systems including false alarm response costs should be borne by the users and installers of such systems.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

Section 1. That Title IX: General Regulations of the City of Fort Wayne Code of Ordinance shall be amended to add a new Chapter which shall be designated Chapter 101 and titled "Private Emergency Alarm Systems."

Section 2. That the following is adopted as Chapter 101 - Private Emergency Alarm Systems under Title IX of the General Regulations of the Code of Ordinances.

**CHAPTER 101 PRIVATE EMERGENCY ALARM SYSTEMS**

**Section**

**101.01 Definitions**

**101.02 Registration/Licenses**

**101.03 Installation of Alarm Systems**

**101.04 Issuance of Alarm System Permit**

**101.05 Automatic Telephone Dial Devices Prohibited**

**101.06 Audible Alarm**

**101.07 Validity of Alarms**

**101.08 False Alarm penalties and Enforcement**

**101.09 Effective Date**

**Sub Section 101.01 DEFINITIONS**

A. Alarm Agent. The term "Alarm Agent" means any person who is employed by an "Alarm Company" either directly or indirectly, whose duties include selling, maintaining, leasing, servicing, repairing, altering, replacing, moving, monitoring or installing on or in any building, structure, facility or grounds any "Alarm System."

B. Alarm System. The term "Alarm System" means an assembly of equipment and devices arranged to signal the presence of a hazard requiring attention and to which police or fire department personnel are expected to respond.

Alarm Systems include those through which public safety personnel are notified directly of such signals through automatic recording devices or are notified indirectly by way of third persons who monitor the Alarm Systems and who report such signals to the Communications Department. Alarm Systems also include those designed to register a signal which is audible, visible or in other ways perceptible outside a protected building, structure or facility as to notify persons in the neighborhood beyond the zoning lot where the signal is located who in turn may notify the appropriate emergency provider of the signal. Alarm Systems do not include auxiliary devices installed by telephone companies to protect telephone equipment or systems which might be damaged or disrupted by the use of an Alarm System. The term "Alarm System" shall include the terms "Automatic" or "Manual Hold Up Alarm System," "Burglar Alarm Systems," "Security Alarm Systems," and "Automatic" or "Manual Fire Alarm Systems."

This definition does not include audible alarms fixed to automobiles or other vehicles; or smoke detectors for Dwellings which are not connected to a monitoring agency.

C. Alarm Company means any person or entity whether an individual, partnership, corporation, or other entity selling, leasing, maintaining, servicing, repairing, altering, replacing, removing, monitoring or installing any Alarm System or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, removed, or installed any Alarm System in or on any building, structure or facility.

D. Alarm User means any person, firm, partnership, association, corporation, company, or other entity or organization of any kind having ownership or control (as a tenant, owner or otherwise) of any Dwelling or Commercial Building, structure, or facility where an Alarm System is maintained or activated.

E. Audible Alarm. A device designed for the detection of a condition that would result in a public safety response on the premises, which generates an audible sound on the premises when it is activated.

F. Controller. "Controller" shall mean the Controller of the City of Fort Wayne whose address for the purposes of this Chapter shall be Civil City Accounting Room 420, One East Main Street, Fort Wayne, IN 46802 and whose phone number for the purposes of obtaining information concerning this Chapter shall be (219) 427-1104.

G. Automatic Telephone Dialing Device. A device which is interconnected to an alarm system which

send signal to a law enforcement agency indicating the activation of the alarm system or a device which is interconnected to telephone lines and is programmed to select a pre-determined number and transmit by voice message or code signal and emergency message indicating a need for emergency response.

H. Dwelling. A building or portion thereof used primarily as a place of abode for one or more human beings, but not including hotels, lodging or boarding houses or tourist homes.

I. Dwelling - One Family. A building used for occupancy by one family.

J. Dwelling - Two Family. A building used for occupancy by two families living independently of each other.

K. Dwelling - Three Family. A building used for occupancy by three families living independently of each other.

L. Dwelling Unit. A Dwelling or a portion of a Dwelling or of an apartment or hotel used by one family for cooking, living, and sleeping purposes.

M. Dwelling - Multi-Family. A building or portion thereof used for occupancy by four or more families living independently of each other.

N. Commercial Building. A commercial building is any building or portion thereof which is not a One, Two, Three, or Multi-Family Dwelling.

O. False Alarm. The term "False Alarm" means the activation of an Alarm System through mechanical failure, malfunction, improper installation, or as a result of the negligence, misuse or misconduct of an Alarm User or Alarm Company or an agent, employee, or representative of an Alarm User or Alarm Company. This does not include alarms caused by severe weather, natural or man-made disaster, power or telephone service outages, authorized Alarm testing, for which prior notification to the Communications Center has been made or malicious acts of person or persons not under the direct control of the owner, lessee, or his employees or agents.

P. License. The term "License" means an authorization of the City of Fort Wayne to allow an Alarm Company to install or maintain an Alarm System within the City of Fort Wayne which is commercially monitored or which is electronically connected to the Communications Center of the City of Fort Wayne or an Alarm System which when activated would result in a Police or Fire Department response.

Q. Local Alarm System. Means a signal system which when activated causes an audible and/or visible signaling device to be activated only in or on the premises in which the Alarm System is installed, operated or maintained.

R. Monitored Alarm System. Means an Alarm System using a digital alarm communication system or supervised dedicated circuits transmit alarm, supervisory and trouble signals from one or more protected premises to a remote location at which appropriate action is taken.

**Sub Section 101.02 REGISTRATION/LICENSES**

A. Alarm User's Registration. All Alarm Users, within thirty (30) days of the installation of an Alarm System for all Multi-Family Dwellings and Commercial Buildings where Alarm Systems are installed shall register with the Controller any such Alarm System according to the provisions set out herein. Said initial registration shall be completed as more specifically set out in Section 3 herein. (101.02A3)

1. The Registration shall be on a form prescribed by the Controller and shall include the following information:

a. Name, telephone number, and address of the Alarm User, including the name of an individual with authority to bind the Alarm User and who has information pertinent to the Alarm System.

b. Address and telephone number at which the Alarm System is located, including the name of an individual with authority to bind the Alarm User and who has information pertinent to the Alarm System.

c. Alarm Systems service (Police, Fire, other).

d. Alarm System type (commercial monitoring, audible, silent, direct connection, other).

e. Names, addresses and telephone numbers of at least two (2) people who shall be contacted and who shall respond in the event of an alarm activation.

f. The name, address and telephone number of the Alarm Company.

g. Any other additional information requested on registration forms provided by the Controller.

2. Registrations by Alarm Users must be completed for each individual structure where an Alarm System is in operation in a Multi-Family Dwelling, or a Commercial Building. Registration shall be completed by Alarm Users for each individual business within a single structure where an Alarm System is installed and in operation.

3. There shall be no registration fee for Alarm Users otherwise required to register an Alarm System except as noted herein. Upon the occurrence of a third false alarm for a particular Alarm System within the same calendar year, the Alarm User will be required to pay a Fifty Dollar (\$50.00) registration fee to the Controller's Office. This registration fee shall be in addition to the penalty for failure to register as designated in 101.02A(7) of this Ordinance.

4. The Controller shall send a copy of the registration form to the Ordinance Violations Bureau and the Director of Communications, for the City of Fort Wayne (hereinafter "Director of Communications").

5. It is a violation of this Ordinance for any Alarm User who is otherwise required to register an Alarm System, to knowingly maintain or use an Alarm System without completing and submitting the registration form and the registration fee as required in this Ordinance.

of a change of registration information within thirty (30) days of the time when the change of information has occurred.

7. Penalty for violation of this section: An Alarm User or other person or entity violating any provision of this Section (Section 101.02A) shall be subject to a fine of not less than \$50.00 nor more than the maximum fine allowed by law. If said violation is failure to register pursuant to this Section, then said violator shall be fined for each twelve (12) month period in which they fail to register unless registration is completed within ten (10) days after receiving notification of the failure to register by the Controller, provided that prior notification has not been given.

8. Registration completed pursuant to this article shall be personal to the Alarm User who completes registration for a specific location and is not transferable.

9. Any fees collected as a result of registration or licensing or as a result of penalties for violation of this Section (Section 101.02A) shall be deposited into the General Fund of the City of Fort Wayne.

**B. Alarm Company - Licenses**

1. All Alarm Companies shall obtain from the Controller a License which authorizes the Alarm Company to install Alarm Systems.

2. The initial registration fee for a License shall be Two Hundred Fifty and No/100 Dollars (\$250.00) and shall be valid for one year. There shall be an annual renewal fee for the License of One Hundred and No/100 Dollars (\$100.00). The annual Renewal Date and the date upon which the annual Renewal Fee is due shall be July 1 of each year regardless of when the Alarm Company originally registered. By June 1, the Controller's Office shall send a letter to all Alarm Companies notifying them that the Renewal Fee is due. The original license fee and renewal license fee being charged shall be used in part to help defray expenses for mailings, notices, registrations forms and other costs associated with the administration of the licensing. Payment of all License fees and renewals shall be submitted to the Controller be made payable to the City of Fort Wayne and be deposited into the General Fund of the City of Fort Wayne.

3. Application for License. All applications for a License required by this Article shall be made on forms designated by the Controller and shall include the following information:

a. The full name and address of the Alarm Company.

b. The full name, business address and home address of the manager or person to be contacted at the Alarm Company.

c. A telephone number at which the Fort Wayne Police Department or Fort Wayne Fire Department or Allen County Sheriffs Department can notify personnel of the Alarm Company of a need for assistance at any time.

d. The names and addresses of all Alarm Agents employed by the Alarm Company.

An Alarm Company shall promptly notify the Controller in writing of any change in the information contained in the registration form.

4. It is a violation of this ordinance for any Alarm Company who is otherwise required to obtain a License, to knowingly install an Alarm System without obtaining such a License.

5. Penalty for violation of this section: An Alarm Company or other person or entity violating this section (101.02B) shall be guilty of an infraction and subject to a minimum fine of \$200.00 for each offense and up to the maximum fine allowed by law.

6. An Alarm Company's License shall be personal to the company holding the license and is not transferable.

**Sub Section 101.03 ISSUANCE OF PERMITS/LICENSES**

A. The Controller shall issue to an Alarm User who duly submits a registration form a permit or other document evidencing that registration has been completed. The Controller shall further issue to an Alarm Company a license upon the submission of an application and the appropriate fee in accordance with this Chapter. Upon the payment of the annual renewal fee for renewal of a license the Controller shall further issue a renewal license or other document evidencing that the annual license fee has been duly and timely paid by the Alarm Company. The Controller shall be entitled to withhold the issuance of a permit to an Alarm User or a license to an Alarm Company if the Controller finds or believes that any statement made in a registration or an application is incomplete or false.

B. Immediately after receipt of a registration form duly completed from an Alarm User or an application for license duly completed from an Alarm Company and payment of any fee required, and upon the receipt of renewal fees (when required) and notices of change of information regarding registration or licenses, the Controller shall forward the registration or application to the Director of Communications for the City of Fort Wayne and the Ordinance Violations Bureau. All information on such registration or application shall be protected as confidential information; provided, however, nothing in this Chapter shall prohibit the use of such information for legitimate law enforcement purposes and for enforcement of this Chapter.

**Sub Section 101.04 AUTOMATIC TELEPHONE DIAL DEVICES PROHIBITED**

A. It shall be unlawful for any Alarm Company or other person or entity to sell, offer for sale, install, maintain, lease, operate or assist in the operation of an Alarm System containing an Automatic Telephone Dialing Device over any telephone lines exclusively



d by the public directly to request emergency  
vice from the Fort Wayne Police Department, the  
t Wayne Fire Department, or the Communications  
partment of the City of Fort Wayne.

The Fort Wayne Police Chief, the Fort Wayne Fire  
ief or the Chief of Communications, or their re-  
ective designees, upon receiving knowledge of an  
arm System containing an Automatic Telephone  
aling System installed or operated in violation of  
is Section (101.04) shall order in writing the own-  
operator or lessee to disconnect and cease oper-  
ion of such Alarm System within seventy-two (72)  
urs of receipt of the order.

Any Alarm System containing an Automatic Tele-  
one Dialing Device installed prior to the effective  
ate of this ordinance shall be removed within thirty  
30) days of the effective date of this Ordinance.

Penalty for violation of this ordinance: Any Alarm  
iser, Alarm Company or other person or entity vio-  
ating this section shall be guilty of an infraction and  
subject to a minimum fine of \$200.00 for each of-  
ense and up to the maximum fine allowed by law.  
aid fine or penalty when collected shall be deposit-  
d into the general fund of the City of Fort Wayne.

Notwithstanding the foregoing, nothing in this sec-  
ion is intended to prohibit the direct connection be-  
ween the local banking institutions and the Fort  
Wayne Communications Department up to and in-  
cluding July 31, 1998, however, after July 31, 1998,  
the City of Fort Wayne will no longer monitor Alarm  
Systems for banking institutions and therefore Auto-  
matic Telephone Dialing Devices or any device being  
used by banking institutions to connect directly to  
the Fort Wayne Communications Department or any  
City of Fort Wayne Department shall be prohibited.

Sub Section 101.05 AUDIBLE ALARM

A. All Alarm Users, Alarm Companies or other per-  
sons or entities who install or maintain any Alarm  
System with an audible alarm (except such system  
on a vehicle) shall conspicuously affix on the exteri-  
or of the protected building or structures:

1. The name and telephone number of the Alarm  
User or such other person or entity responsible for  
the control of the premises if it is a Local Alarm Sys-  
tem, or

The name and phone number of the Alarm Company  
if it is a monitored Alarm System.

B. All Alarm Users, Alarm Companies or any other  
persons or entities who install or maintain any Alarm  
System with an Audible Alarm shall install and/or  
maintain said Alarm System in such a way that it au-  
tomatically discontinues emitting an audible sound  
within fifteen (15) minutes after activation of the  
alarm and which will prevent the alarm from sound-  
ing again as a result of the same event that caused  
the original activation.

C. When Manual Fire Alarm Signaling Devices are in-  
stalled and are not directly connected to the Fort  
Wayne Fire Department or monitored by a 24 hour  
security service, a permanent sign shall be installed  
at each actuating device. These signs shall read as  
follows:

IN CASE OF FIRE  
1. Pull this alarm  
2. Telephone the Fire Department 9-1-1

D. Penalty for violation of this section: All Alarm Us-  
ers, Alarm Companies or other persons or entities  
violating this Section (101.05) shall be subject to a  
fine of \$50.00 for each action or omission which con-  
stitutes a violation of this Section. Said fine or penal-  
ty when collected shall be deposited into the general  
fund of the City of Fort Wayne.

Sub Section 101.06 VALIDITY OF ALARMS

A. Whenever an Alarm System is activated in the  
City of Fort Wayne which results in a response to the  
premises by the Police or Fire Department, the offi-  
cer on the scene of the activated Alarm System shall  
inspect the area protected by the Alarm System and  
shall determine whether a public safety response  
was required or if it was a False Alarm.

B. If the Officer at the scene of the activated Alarm  
System determines the alarm to be false, the officer  
shall make a report of the False Alarm, notice of  
which shall be sent to the Alarm User at the address  
of the Alarm User, or at least the last known address  
of the Alarm User, if different from the premises ad-  
dress, or to the address and the attention of the per-  
son or entity designated by the Alarm User as its  
agent for notification. A copy of the report shall be  
sent to the Ordinance Violations Bureau who shall  
track the number of False Alarms.

C. The Police Chief or the Fire Chief of the City of  
Fort Wayne, or his designee, shall have the right to  
inspect the premises to which a response has been  
made and may cause such inspection to be made at  
any reasonable time after the occurrence of a False  
Alarm.

101.07 FALSE ALARM PENALTIES  
AND ENFORCEMENT

A. Whenever an Alarm User issues, causes to be is-  
sued, or permits the issuance of a False Alarm, this  
Section (101.07) shall apply; provided, however,  
this section shall not apply to a mentally incapacitat-  
ed person utilizing Alarm Systems in a Dwelling or  
Dwelling Unit.

B. An Alarm User shall be assessed a \$50.00 penal-  
ty for each False Alarm recorded within any calendar  
year by the Ordinance Violations Bureau after the  
occurrence of the second (2nd) False Alarm requir-  
ing Police Department response. Said Fifty Dollar  
(\$50.00) penalty shall be paid by the Alarm User to  
the City of Fort Wayne Ordinance Violation Bureau  
who shall deposit the funds in the General Fund of  
the Fort Wayne Police Department.

C. An Alarm User shall be assessed a Fifty Dollars  
(\$50.00) penalty for each False Alarm recorded  
within any calendar year by the Ordinance Violations

False Alarm requiring Fifty Dollars (\$50.00) pen-  
partment response. Said Fifty Dollars (\$50.00) pen-  
alty shall be paid by the Alarm User to the City of  
Fort Wayne Ordinance Violation Bureau who shall  
deposit the funds in the General Fund of the Fort  
Wayne Fire Department.

D. Any Alarm User required to register and who fails  
to register or otherwise comply with Section 101.02  
of this Ordinance and who causes to be issued, or  
permits the issuance of a False Alarm shall be as-  
sessed a \$50.00 penalty for each False Alarm re-  
corded by the Ordinance Violations Bureau. If said  
fine is not paid within thirty (30) days of its due  
date, then in addition to said penalty there will be a  
late fee of \$25.00. Any penalties and any late fees  
due under this Section 101.07 shall be paid by the  
Alarm User to the City of Fort Wayne Ordinance Vi-  
olations Bureau who shall deposit the funds in the  
General Fund of the Fort Wayne Police Department  
or the Fort Wayne Fire Department depending on  
which department responded to the False Alarm.

E. Enforcing Authority. The authority for enforcing  
this Chapter shall be with the Fort Wayne Police De-  
partment, Fort Wayne Fire Department, the Control-  
ler and the Ordinance Violation Bureau.

F. Any Alarm Company, Alarm User, or any other in-  
dividual or company affected by and subject to a  
fine under this Ordinance shall have the right to ap-  
peal the fines and penalties which right to appeal  
shall be governed by and handled in accordance  
with the procedures established by the Ordinance  
Violations Bureau.

Sub Section 101.08 EFFECTIVE DATE

1. The effective date of this Ordinance shall be the  
later of November 1, 1997 or the date of its passage,  
any and all necessary approval by the Mayor of the  
City of Fort Wayne, and any publication or other no-  
tices required under Indiana law.

2. All Alarm Users required to register under this  
Chapter who have Alarm Systems installed on or be-  
fore the effective date of this Ordinance, shall regis-  
ter pursuant to Section 101.02 of this Chapter not  
later than February 1, 1998. All Alarm Users re-  
quired to register under this Chapter and installing  
and activating Alarm Systems on or after the effec-  
tive date of this Ordinance, shall be required to regis-  
ter pursuant to this Chapter within the time param-  
eters specified herein.

3. All Alarm Companies required to obtain Licenses  
under this Chapter shall obtain said License on the  
later of November 1, 1997 or sixty (60) days after  
the effective date of this Ordinance to obtain its Li-  
cense.

Section 3. This Ordinance shall be in full force and  
effect on the later to occur of July 1, 1997, or the  
date of its passage and any and all necessary ap-  
proval by the Mayor of the City of Fort Wayne, and  
any publication or other notices required under Indi-  
ana law.

THOMAS E. HAYHURST  
Council Member  
Read the third time in full and on motion by Ravine,  
and duly adopted, placed on its passage. PASSED  
by the following vote:

AYES: Six  
Bender, Hall, Hayhurst, Henry,  
Ravine, Schmidt  
NAYS: None  
ABSENT: Three  
Crawford, Edmonds, Lunsey  
ABSTAINED: None  
DATED: 8-12-97  
Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the  
City of Fort Wayne, Indiana, as General Ordinance  
No. G-09-97 on the 12th day of August, 1997  
ATTEST:

Sandra E. Kennedy  
City Clerk  
Thomas C. Henry  
Presiding Officer

Presented by me to the Mayor of the City of Fort  
Wayne, Indiana, on the 13th day of August, 1997, at  
the hour of 3:00 o'clock P.M., E.S.T.  
Sandra E. Kennedy  
City Clerk

Approved and signed by me this 23rd day of August,  
1997, at the hour of 2:00 o'clock P.M., E.S.T.

Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana, do  
hereby certify that the above and foregoing is a full,  
true and complete copy of General Ordinance No.  
G-09-97, passed by the Common Council on the  
12th day of August, 1997, and that said Ordinance  
was duly signed and approved by the Mayor on the  
23rd day of August, 1997, and now remains on re-  
cord in my office.

WITNESS my hand, and the official seal of the City  
of Fort Wayne, Indiana, this 25th day of August,  
1997.

SANDRA E. KENNEDY  
CITY CLERK

8-30 #503314 (PART 5 OF 5) #096

